



11

# STATUTES OF UPPER-CANADA,

PASSED IN THE SECOND SESSION OF THE EIGHTH PROVINCIAL  
PARLIAMENT,

MET AT YORK, ON THE TWENTY-FIRST DAY OF NOVEMBER, 1821, AND PROROGUED ON THE  
SEVENTEENTH DAY OF JANUARY FOLLOWING, IN THE SECOND YEAR  
OF THE REIGN OF GEORGE IV.

SIR PEREGRINE MAITLAND, K. C. B. LIEUTENANT GOVERNOR

ANNO DOMINI 1822.

—:§:—

## C H A P. I.

An Act to repeal part of and amend the Laws now in force respecting the practice of His Majesty's Court of King's Bench in this Province.

[Passed 17th January, 1822.]

**W**HEREAS, it is expedient to make certain amendments in the practice of His Majesty's Court of King's Bench in this Province. Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province" and by the authority of the same, That the Ninth Clause of an Act passed in the thirty fourth year of His late Majesty's Reign, entitled, "An Act for the regulation of Juries,"

Preamble.

9 Sec. of 34 Geo. 3. c. 1  
 34 Geo. 3. c. 2, except the 1st 33d 34th 35th and 36th sec.—2d sec. of 35 Geo. 3d c. 4.—37 Geo 3d c 4—38 Geo 3d c 4—41 Geo. 3d c 2—34 & 4th sec. of 49th Geo. 3d c 4—51 Geo. 3d c 2d repealed.

and An Act passed in the thirty-fourth year of His late Majesty's Reign, entitled "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal" with the exception of the first, thirty third, thirty-fourth, thirty-fifth and thirty-sixth Clauses, and the second Clause of an Act passed in the thirty-fifth year of His late Majesty's Reign, entitled "An Act to explain and amend an Act passed in the thirty-fourth year of His Majesty's Reign, entitled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal," and an Act passed in the thirty-seventh year of His late Majesty's Reign, entitled, "An Act for regulating the practice of the Court of King's Bench" and an Act passed in the thirty-eighth year of His late Majesty's Reign, entitled "An Act to amend part of an Act passed in the thirty-fourth year of the Reign of His Majesty, entitled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal, and also to amend and repeal part of an Act passed in the thirty-seventh year of the reign of His Majesty, entitled, "An Act for regulating the practice of the Court of King's Bench, and to make further provision respecting the same," and an Act passed in the forty-first year of His late Majesty's Reign, entitled, "An Act the better to adapt the establishment of the Court of King's Bench to the present situation of this Province," and the third and fourth Clauses of an Act passed in the forty-ninth year of His late Majesty's Reign, entitled "An Act for the more effectual preventing of frivolous and vexatious suits, and to authorise the levying of Poundage upon Executions in certain cases, and to regulate the sales by Sheriffs and other Officers," and also, an Act passed in the fifty-first year of His late Majesty's Reign, entitled, "An Act to extend personal arrest to the sum of forty shillings, and otherwise to regulate the practice in cases of personal arrest," be and the same are hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That four periods of Session or Terms be appointed in each year successively, to be known by the names of Hilary, Easter, Trinity and Michaelmas Term, That the Hilary do commence on the Third Monday in January, and end on the Saturday of the ensuing week, that Easter Term do commence on Monday next after the sixteenth day of April, and end on the Saturday of the ensuing week. That the Trinity Term do commence on the First Monday in July and end on the Saturday of the ensuing week, And that the Michaelmas Term do commence on the First Monday in November, and end on the Saturday of the next ensuing week, And that the first and last days of every Term and every alternate days from the first, not including Sunday, be return days.

III. *Provided always and be it further enacted by the authority aforesaid,* That when the Court shall have good reason to believe there will not be sufficient business to require their daily attendance throughout the Term, they may be at liberty to adjourn the Court on any return day to the next immediate return day.

IV. *And be it further enacted by the authority aforesaid,* That the original process for compelling the appearance of the Defendant or Defendants in

#### Terms of Sitting.

At what periods the same shall commence respectively.

Court may adjourn from one Return Day to another.

#### Original Process.

any suit hereafter, to be brought in His Majesty's Court of King's Bench, shall be a Writ of Capias ad respondendum, tested in the name of the Chief Justice or Senior Puisne Judge of the said Court for the time being, a copy of which process in actions not bailable shall be personally served on the Defendant or Defendants by the Sheriff to whom the process shall be directed, or his lawful Deputy or Bailiff being a literate person, and that upon every copy of such process to be served upon any Defendant, there shall be written a notice to such Defendant of the intent and meaning of such service to the effect following :

65  
A Writ of Capias ad Respondendum.

Copy whereof to be served on Defendant in actions not bailable.

A. B. You are served with this process to the intent that you may either in person, or by your Attorney appear in His Majesty's Court of King's Bench, by filing your appearance in the Office of the Clerk of the Crown (or Deputy as the case may be) in the \_\_\_\_\_ District, at the return thereof, being the \_\_\_\_\_ day of \_\_\_\_\_ or within eight days thereafter, in order to your defence in this action.

English Notice on Process not Bailable.

And that in all actions hereafter to be brought wherein the Defendant or Defendants shall not be arrested and held to special Bail, if the Defendant or Defendants do not appear at the return of such process or within eight days after the return thereof, it shall and may be lawful for the Plaintiff or Plaintiffs upon Affidavit being made and filed of the personal service of such process, to enter common Bail for the Defendant or Defendants, and to proceed thereon as if such Defendant or Defendants had put in and perfected Bail to the action.

V. *And be it further enacted by the authority aforesaid.* That it shall and may be lawful for each and every Defendant personally or by Attorney, to enter his, her, or their appearance at the Office, from which such process not bailable has issued, at any time within eight days after the return of such process or Writ, And that in all actions or suits where the Defendant or Defendants have appeared as aforesaid, the Plaintiff or his Attorney, shall, after filing a Declaration in the Office from whence the Writ issued, and service of a copy thereof on the Defendant by a demand in writing, call for a Plea, and that if after the expiration of eight days from the service of such demand, no Plea be filed, it shall and may be lawful for the Plaintiff or Plaintiffs to sign Judgment in the cause.

Manner of proceeding on Process not Bailable.

VI. *And be it further enacted by the authority aforesaid,* That for, and notwithstanding any thing in this Act contained, it shall and may be lawful to proceed by bill in any case where by reason of any privilege such proceeding is practised in the Court of King's Bench in England, and that the like proceedings shall be had in actions so commenced as in the said Court, unless otherwise altered by the rules of His Majesty's Court of King's Bench in this Province.

Privileged persons may proceed by Bill, unless altered by Rule of Court.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any Defendant or Defendants in any action or suit in the said Court to plead as many several matters thereto, as he shall think necessary without leave of the said Court, where he would be entitled to do

Defendants may plead several matters without leave of the Court.

so by obtaining such leave under the same regulations and restrictions as are declared by the British Statute, passed in the fourth year of the reign of Queen Ann, Chap. 16 sec. 4, any thing in the said clause to the contrary notwithstanding.

VIII. *And whereas*, much inconvenience is felt by conscientious creditors in the recovery of their just debts, from the difficulty of ascertaining whether any person or persons design leaving the Province with an intent to defraud their creditors, an Affidavit of which is required by the Laws now in force, before a Capias ad Respondendum could issue, *Be it therefore enacted by the authority aforesaid*, That no person shall be arrested or holden to Special Bail upon any process issuing out of the said Court in a Civil suit where the cause of action shall not amount to Five Pounds of Lawful Money of this Province, and where the cause of action shall amount to Five Pounds and upwards, it shall not be lawful for the Plaintiff to proceed to arrest the body of the Defendant or Defendants unless an Affidavit be first made by such Plaintiff, his servant or agent, of such cause of action, and the amount justly and truly due to the said Plaintiff from the said Defendants, and also that such Plaintiff, his servant or agent is apprehensive that the Defendant will leave this Province without satisfying the said debt, and that the said Plaintiff, his servant or agent, does not sue out such process from any vexatious or malicious motive whatever, which affidavit shall be filed, and may be made before any Judge or Commissioner of the Court, out of which such process shall issue, authorised to take Affidavits in such Court, or before the Officer who shall issue such process, or his Deputy, which Oath, such Officer or his Deputy is hereby authorised to administer, and for the said Affidavit, One Shilling shall be paid and no more, and the sum or sums specified in such Affidavit shall be endorsed on such Writ or Process, which sum or sums so endorsed, the Sheriff or other Officer to whom such Writ or Process shall be directed, shall take Bail, and for no more.

IX. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for any Plaintiff, his Servant or Agent, having made such Affidavit as aforesaid to sue out from any Commissioners of His Majesty's Court of King's Bench for taking affidavits in each and every District a Writ of Capias ad respondendum with which the said Commissioners as well as the several Deputies appointed by the Clerk of the Crown shall be from time to time supplied, signed by the proper Officer of the Court, on which shall be endorsed the sum sworn to, and to which the said affidavit shall be annexed, whereupon it shall and may be lawful for any Constable in the District to arrest the said Defendant and deliver him, her or them, over to the Sheriff in order that he, she or they may be held to bail for the amount of the sum so endorsed.

X. *And be it further enacted by the authority aforesaid*, That in all cases in which the cause of action shall be other than a debt certain of which affidavit may be made as herein before mentioned, it shall and may be lawful to hold the Defendant or Defendants to bail; a Judge's order having been first obtained for that purpose in such cases and in such manner as is provided by the Law and practice of the Court of King's Bench in England.

No person to be arrested for a sum under 5*l*.

Affidavit to be made by Plaintiff previous to arrest,

and may be sworn before any Judge, &c. and is to be paid for Oath.

Sum sworn to shall be endorsed on Bailable Process.

Commissioners for taking Affidavits and Deputy Clerks of the Crown to issue Bailable Process.

Judges may order Arrests in certain cases.

XI. *And be it further enacted by the authority aforesaid,* That each and every recognizance of bail to be taken in cases of personal arrest as herein before mentioned shall be that if the Defendant or Defendants shall be condemned in the action at the suit of the Plaintiff or Plaintiffs he, she or they will satisfy the costs and condemnation money or render himself, herself or themselves to the custody of the Sheriff of the District in which such action shall be brought, or that the Cognizers shall do so for such Defendant or Defendants.

Condition of Recognizances of Bail.

XII. *And be it further enacted by the authority aforesaid,* That whenever any bail in any action or suit now pending or hereafter to be brought in any District, shall be desirous of surrendering their principal in discharge of themselves, it shall and may be lawful for the Sheriff of such District, and he is hereby required to receive such principal into his custody at the Gaol of his District and to give such bail a certificate under his hand and seal of office of such surrender which certificate shall be a sufficient authority for any Judge of the Court in which such action shall be pending, and he is hereby required on production thereof to order an exoneretur to be entered on the bail piece in the same manner as if such principal had been surrendered in person before him at his chambers for which certificate the said Sheriff shall receive the sum of five shillings and no more.

Bail may surrender their Principal in the Sheriffs of the respective Dist's. where Defendants are held to Bail, and Sheriffs to give Certificates of surrender, and Judge to order an Exoneretur on production thereof.

XIII. *And be it further enacted by the authority aforesaid,* That if any Defendant or Defendants shall be taken or detained in custody in any District of this Province on mesne process issuing out of any Court of Record in this Province at the suit of any Plaintiff or Plaintiffs and shall be detained or imprisoned thereon after the return of such process, it shall and may be lawful for such Defendant or Defendants except in Term time within the Home District of this Province or District where the Court shall be holden, and upon due notice thereof given to the Attorney of the Plaintiff or Plaintiffs in such process to put in and justify bail before any of the Justices of the Court out of which such process shall have issued, or before any Commissioner duly appointed for taking bail in such Court, which Justice or in case bail shall have been put in and justified before a Commissioner, any Justice of the said Court upon receipt of the said bail piece and recognizance from such Commissioner, may if he shall think fit, order a rule to issue for the allowance of such bail and may further order such Defendant or Defendants to be discharged out of custody by Writ of Supersedeas in the like manner as may be done by order of the Court in Term time.

Defendants may put in Special Bail in vacation.

Rule for allowance thereof may be issued by a Judge.

XIV. *And be it further enacted by the authority aforesaid,* That in case the Plaintiff in any action now pending or hereafter to be brought in the said Court his Servant or Agents shall at any time after action brought, and before final judgment, be apprehensive that the Defendant will leave this Province without paying his debt it shall and may be lawful to and for the said Plaintiff his Servant or Agent having made and filed such Affidavit as aforesaid, to sue out an alias Writ of Capias ad respondendum and to cause the said Defendant to be thereupon arrested and holden to bail, which bail, if the said Writ shall have been sued out after common bail being filed, shall be bail to the action.

Defendants may be held to Bail in Actions previously pending.

No further Affidavit required in Bailable and in previous to suing out Capias, otherwise in Actions not Bailable.

XV. *And be it further enacted by the authority aforesaid,* That in all cases in which the party has been held to special bail, it shall not be necessary to make or file any further or other Affidavit before suing out a Capias ad satisfaciendum upon the Judgment obtained in the same action, and that in cases where the party has not been held to special bail a Writ of Capias ad satisfaciendum may issue after Judgment upon an Affidavit of the same form as is hereby required to be made for the purpose of suing out a Capias in mesne process or upon Affidavit by the Plaintiff his Servant or Agent that he hath reason to believe that the Defendant hath parted with his property or made some secret or fraudulent conveyance thereof in order to prevent its being taken in Execution.

Issues joined in the Home District may be tried before any Judge.

XVI. *And be it further enacted by the authority aforesaid,* That upon all issues joined in the Court in any suit or action that shall arise or be triable in the Home District or in the District where the Court shall be holden under any Commission of Assize and Nisi Prius issued after the Terms of Hilary and Trinity respectively and tested on the last day of each of those Terms, the Chief Justice or any other Judge of the said Court shall as Judge of Assize and Nisi Prius for the said District try all manner of issues joined in the said Court which ought to be tried by a Jury of the said District, and that the Chief Justice or any other Judge of the said Court shall as Judge of Assize and Nisi Prius issue his Precept to the Sheriff of the said District, for the summoning of Jurors for the trying of all such issues as may be joined in the said Court and arise and be triable in the said District, so that the same may be in no instance holden sooner than thirty days from the end of the Hilary and Trinity Terms respectively.

Chief Justice or other Judge to issue his Precept to the Sheriff to summon Jurors to try such issues not less than 30 days after Hil. & Trin. Terms.

XVII. *And be it further enacted by the authority aforesaid,* That when the Plaintiff or Plaintiffs, Defendant or Defendants in any action now pending or hereafter to be brought, shall be desirous of procuring the testimony in such suit or suits of any aged or infirm person resident within the Jurisdiction of His Majesty's Court of King's Bench in this Province, or any person who is about to withdraw himself or herself beyond such Jurisdiction, or who is residing without the limits of this Province, it shall and may be lawful to and for His Majesty's said Court, or for any Judge thereof in vacation upon hearing the parties upon the motion of such Plaintiff or Plaintiffs, Defendant or Defendants, to issue one or more Commission or Commissions under the Seal of the said Court to one or more Commissioner or Commissioners, to take the examination of such person or persons respectively, due notice being given to the adverse party, to the end that he, she, or they may cause such Witnesses to be cross-examined.

Commissions may be issued for the examination of Witnesses.

XVIII. *And be it further enacted by the authority aforesaid,* That in cases of Witnesses residing without the limits of this Province such Commission or Commissions with the examination of the Witness or Witnesses taken pursuant thereto returned to the said Court, with an Affidavit of the due taking thereof thereto annexed, sworn before and certified by the Mayor or Chief Magistrate of the City or place where the same shall or may be taken close under the hand and seal or hands and seals of one or more of such Commissioners shall be taken prima facie to have been duly executed and

And when executed in a foreign country to be returned under the hands and seals of Commissioners.

returned and shall be received as evidence in the said cause, *Provided always*, that such examination or examinations shall not be read or given in evidence in the said cause, in case the Deponent or Deponents respectively shall be living within the Jurisdiction of the said Court and of sound mind memory and understanding at the time such examination or examinations shall be offered to be given in evidence and provided it is made appear to the Court before which such examination or examinations is or are put in that the same has or have not been duly taken.

Examination not to be read if Defendant is living within the Jurisdiction of the Court at the time of trial and of sound mind.

XIX. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful in any execution against the Person, lands or goods of any Debtor or Debtors for the Sheriff to levy the poundage fees and the expense of the said execution over and above the sum recovered by the Judgment, together with the legal interest upon the amount so recovered from the time of entering the said Judgment.

Poundage fees expenses of execution & interest to be levied

XX. And whereas, it is expedient to provide for the more public and certain notification of Sales of Lands, under execution in order that all persons having claims thereto may be apprised thereof,

*Be it further enacted by the authority aforesaid*, That before the sale of any Real Estate be had upon any execution to be sued out, after the passing of this Act the Sheriff shall cause an advertisement to be inserted in the Upper Canada Gazette, at least six times before such sale specifying the particular property to be sold, the names of the Plaintiff or Plaintiffs and Defendant or Defendants and the time and place at which it is intended to proceed to the sale thereof and the same shall also be advertised in any one public Newspaper of the District in which the Lands lie, or by notice put up in the Office of the Clerk of the Peace or on the Door of the Court House or place in which the Court of General Quarter Sessions for such District are usually holden for three months before such sale: *Provided always, nevertheless*, That nothing herein contained shall be taken to prevent such adjournment of such sale to a future day.

Sales of Lands to be advertised in the U. C. Gazette.

and in any Newspaper where land lies.

XXI. *And be it further enacted by the authority aforesaid*, That from and after the first day of July next ensuing, it shall not be lawful for any Sheriff or his Deputy in any District of this Province directly or indirectly to trade, traffic, sell or vend goods, wares or merchandize, either by wholesale or retail or keep a shop or expose for sale any such goods, wares or merchandize, or to maintain any action at Law for the recovery of any debt, the amount, consideration or account, being for such goods, wares. or merchandizes, excepting always such as by the duties of his office he is legally commanded to do.

Sheriffs not to trade as merchants or Shop Keeper.

XXII. *And be it further enacted by the authority aforesaid*, That the first and last days of all periods of time limited by this Act or hereafter to be limited by any rules or orders of Court for the regulation of practice be inclusive.

First and last days of all periods limited by this Act and Rules of Court inclusive.

XXIII. *And be it further enacted by the authority aforesaid*, That the form of proceeding in the said Court shall be by a course of pleading to issue in a most compendious manner, and that in all actions founded on a common undertaking the following form of declaration may be adopted.

Form of Declaration

A. B. complains of C. D. late of for that whereas the said C. D. on the day of at was indebted to the said A. B. in the sum of (the



consideration advanced.) and being so indebted, he the said C. D. then and there undertook, and faithfully promised the said A. B. to pay him the said sum, when he the said C. D. should be requested, and though since requested, doth now refuse so to do, to the said A. B. his damage of £      who therefore brings his suit.

Statutes of Jeofails: Amended and Amendments declared to be in force in this Province.

XXIV. *And be it further enacted by the authority aforesaid,* That each and every of the statutes of jeofails, and each and every of the statutes of limitations, and each and every of the statutes for the amendment of the Law excepting those of mere local expediency which from time to time have been provided and enacted respecting the Law of England be adopted and declared to be valid and effectual for the same purposes in this Province.

Defendants may pay money into Court.

XXV. And in order to discourage vexatious suits and to prevent additional charges upon any Defendant or Defendants who may be willing to pay the sum which he or they shall admit to be justly due, *Be it enacted by the authority aforesaid,* That in all cases, where the sum demanded by any Plaintiff or Plaintiffs is a sum certain or is capable of being ascertained by computation of numbers, it shall and may be lawful for any Defendant or Defendants to move that he or they may be at liberty to pay into Court such sum as he or they shall propose to pay in full discharge of the said demand: whereupon the Court may order a rule to be drawn up to such effect, or in time of vacation such order may be made by a Judge of the Court, and in case the Plaintiff shall be willing to accept, and shall accept the same together with all costs accruing to that time to be taxed by the proper Officer, the same shall be in full satisfaction of such his demand, and all further proceedings in the said action shall cease: and to the end that every Plaintiff or his Attorney may know of such proceeding the Defendant or Defendants shall, and are hereby required to serve a copy of the Rule authorizing such payment to be made, upon the Plaintiff or his Attorney at the time filing his plea of the general issue to such Plaintiff's declaration.

Officer to receive one per cent on monies paid into Court.

XXVI. *Provided always,* That upon payment of money into Court, it shall and may be lawful for the Officer receiving the same to demand and take a sum not exceeding twenty shillings for every hundred pounds so paid into Court, and at and after the same rate and proportion for every sum of money so paid, and also to demand and take the sum of one shilling for every receipt by him given on account of money so paid in as aforesaid.

Commissions of Assize & Nisi Prius to be issued yearly & when circumstances require it twice a year.

XXVII. And for the more convenient administration of Justice throughout the Province, *Be it enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to issue yearly and every year in the vacation between the Michaelmas and Trinity Terms, such Commissions of Assize, and Nisi Prius into the several Districts, as may be necessary for the purpose of trying all issues joined in the said Court, in any suit or action arising in the said Districts respectively; and that when a suitable communication by land shall be opened from the City, Town, or place which shall be the seat of Government into the respective Districts, and the circumstances of the Province may require it, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Pro-

71

vice, likewise to issue yearly and every year in the vacation between the Hilary and Easter Terms, such Commissions of Assize and Nisi Prius into each of the several Districts as may be necessary for the trial of all issues joined in manner aforesaid.

XXVIII. *Provided always, and be it further enacted by the authority aforesaid,* That nothing herein contained shall prevent or be construed to prevent the Governor, Lieutenant Governor, or Person administering the Government of this Province, from issuing a special Commission or Commissions for the trial of one or more offender or offenders, upon extraordinary occasions when he shall deem it requisite or expedient that such Commission should issue.

Special Commissions may also be issued to try Offenders.

XXIX. *And be it further enacted by the authority aforesaid,* That no Writ of enquiry shall issue to the Sheriff in cases where Judgment shall have gone by default, but in all such cases the damages shall be ascertained at the same time and in like manner as if the parties had pleaded to issue, and that an entry thereof be made on the Roll accordingly.

No Writ of Enquiry to issue to any Sheriff; but damages to be ascertained as if Parties had pleaded to issue.

XXX. *And be it further enacted by the authority aforesaid.* That every common Juror shall be allowed the sum of one shilling and three pence in every cause in which he shall be sworn as a Juror, to be paid by the Plaintiff or his Attorney and to be accounted for in costs by the party charged with the payment thereof.

Jurors allowed 1s. 3d. each.

XXXI. *And be it further enacted by the authority aforesaid,* That the Sheriffs of the several Districts shall and they are hereby required to make return of all Writs of Nisi Prius which shall be delivered to them or their sufficient Deputy, before the said Chief Justice, and every other Judge who shall be assigned to execute such Commissions of Assize and Nisi Prius, and shall give their attendance upon the said Chief Justice and each other Justice as well for the returning of such tales de circumstantibus as shall be prayed for the trial of such issues as for the maintenance of good order in the King's Court, and for the doing and executing of all other things to the office of Sheriff in such case belonging and appertaining.

Sheriffs to return Writs of Nisi Prius & attend the Judges on their Circuits.

XXXII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Clerk of the Crown and Pleas to have and he is hereby required to have in each and every District of this Province except the Ottawa, an office, the duties of which shall be discharged by Deputy, in which actions in the said Court may be instituted and all necessary proceedings had before final Judgment, and a Writ of Capias ad satisfaciendum after such final Judgment may be issued in the same manner as the same may be done in the principal office of the said Clerk.

Clerk of the Crown to have an Office in each District.

XXXIII. *Provided always, and be it further enacted by the authority aforesaid,* That the Precipe and Affidavit (where one shall be required) filed in the said District Office on issuing any Capias ad satisfaciendum shall be transmitted to the principal office within one month after the same shall have been filed as aforesaid.

Precipe & Affidavit filed in the said Offices on suing out Capias to be transmitted to the principal Office.

XXXIV. *And be it further enacted by the authority aforesaid,* That whenever either the Plaintiff or Defendant in any suit hereafter to be instituted in any

72.

Deputy Clerks of the Crown to Certify proceedings if required.

All proceedings to be transmitted to the principal Office before final Judgment.

Eight days notice of trial to be given in all cases and four days notice of countermand.

Dilatory Pleas may be argued before a Judge in vacation.

Costs in Civil Suits to be regulated by the Laws of England.

Commissioners to be appointed for taking Affidavits.

District except the Home District, may think it necessary to produce to the Court, the Writ, Declaration, Plea or any other proceedings which may have been filed in such cause it shall and may be lawful for the said Plaintiff or Defendant to demand and receive from the Deputy Clerk of the Crown and Pleas in the District a Copy of such Writ, Declaration, Plea, or other proceeding in the cause certified by the said Clerk to be a true Copy of the original, which Copy shall be received by the Court in all cases in lieu of the original and as a proof thereof.

XXXV. *And be it further enacted by the authority aforesaid,* That before final Judgment the several proceedings that have been had in the cause shall be transmitted to the principal office of the said Clerk, and shall remain in his custody.

XXXVI. *And be it further enacted by the authority aforesaid,* That no indictment information or cause whatsoever shall be tried at Nisi Prius before any Judge or Justice of Assize or Nisi Prius in any District of this Province unless notice of trial, in writing, has been given at least eight days before such intended trial: and in case any party or parties shall have given such notice of trial as aforesaid, and shall not afterwards duly countermand the same in writing at least four days before such intended trial, every such party shall upon neglect of bringing such issue to trial, be obliged to pay unto the party or parties to whom such notice of trial shall have been given as aforesaid, the like costs and charges as if such trial had not been countermanded.

XXXVII. *And be it further enacted by the authority aforesaid,* That whenever the Defendant in any action shall in term time, plead any dilatory plea, in case such plea shall be of a matter in Law and not of fact, it shall and may be lawful to and for the Plaintiff in the said action to set down such plea for argument on the next day on which the said Court shall sit, or on any other day in the term giving two days notice thereof to the Defendant or his Attorney; and in case such plea be filed in the time of vacation, or being filed in term time, the said Plaintiff shall neglect so to set down the same for argument as aforesaid, it shall and may be lawful to and for the said Plaintiff to apply to any Judge of the said Court to hear and determine the issue joined thereon in like manner as the same may now be done in open Court; and in case the said Judge shall give Judgment for the Plaintiff, he the said Judge shall by an order under his hand direct the said plea to be taken off the file with costs to be taxed by the proper Officer; and the said Defendant shall within four days from the date of such order, plead an issuable plea, and shall rejoin gratis, and shall also be bound to go to trial, at such time as he would have been bound to go to trial in case he had pleaded such issuable plea in the first instance, and not such dilatory plea.

XXXVIII. *And be it further enacted by the authority aforesaid,* That the allowance of Costs to either party, Plaintiff or Defendant, in all Civil suits and penal actions be regulated by the Statutes and usages which direct the payment of Costs by the Laws of England.

XXXIX. *And be it further enacted by the authority aforesaid,* That the Chief Justice and other the Justices of the said Court of King's Bench for the time being or any two of them whereof the Chief Justice for the time being to be one, shall and may by one or more Commission or Commissions under the

73.

Seal of the said Court from time to time as need shall require, empower what and as many persons as they shall think fit and necessary in all the several Districts within this Province, to take and receive all and every such Affidavit and Affidavits as any person or persons shall be willing and desirous to make before any of the persons so empowered, in or concerning any cause, matter or thing, depending or hereafter to be depending or in any wise concerning any of the proceedings to be in the said respective Courts, and that it shall and may be lawful for any Judge of Assize and in his Circuit to take and receive any Affidavit or Affidavits as any persons or persons shall be willing and desirous to make before him, in or concerning any cause, matter or thing depending or hereafter to be depending, or in any wise concerning any proceedings to be had in the said Court of King's Bench, which said Affidavits, taken as aforesaid, shall be filed in the Office of the said Court, and there be read and made use of in the said Court to all intents and purposes as other Affidavits taken in the said Courts ought to be, and that all and every Affidavit and Affidavits taken as aforesaid shall be of the same force as Affidavits taken in the said Court shall and may be; and all and every person or persons forswearing him, her, or themselves in such Affidavit or Affidavits shall incur and be liable unto the same pains and penalties as if such Affidavit or Affidavits had been made and taken in open Court. *Provided always*, That for the taking of every such Affidavit, the person or persons so empowered and taking the same shall for so doing receive only the sum or fee of twelve pence and no more.

Penalties of Perjury for false swearing:

1s. for Oath

XI. *And be it further enacted by the authority aforesaid*, That the Chief Justice for the time being and other the Justices of the said Court of King's Bench or any two of them whereof the said Chief Justice shall be one, shall or may by one or more Commission or Commissions under the seal of the said Court from time to time as need shall require, empower such and as many persons as they shall think fit and necessary in all and every the several Districts of this Province to take and receive all and every recognizance or recognizances of bail or bails as any person or persons shall be willing or desirous to acknowledge or make before any of the persons so empowered, in any action or suit depending or hereafter to be depending in the said Court in such manner and form, and by such recognizance or bail as the Justices of the said Court may hereafter take or may think fit, which said recognizance or recognizances of bail or bail piece so taken as aforesaid shall be filed in the office of the Clerk of the Crown in the District where the same shall be taken together with an Affidavit of the due taking the recognizance of such bail or bail piece by some credible person present at the taking thereof, which recognizance of bail or bail piece so taken and filed shall be of the like effect as if the same were taken in open Court, for the taking of which recognizance or recognizances of bail or bail piece, the person or persons so empowered shall receive only the sum or fee of two shillings and no more: *Provided always*, nevertheless, that nothing herein contained shall extend to preclude any party from excepting to the bail in the manner and within the time prescribed by Law.

Commissioners may be appointed for taking bail.

Justices to make orders regulating the justifying of Bail before Comptrol.

**XLI.** *And be it further enacted by the authority aforesaid,* That the Justices respectively shall make such rules and orders for the justifying of such bails and making of the same absolute as to them shall seem meet, so as the Cognizer or Cognizers of such bail or bails be not compelled to appear in person in the said Court to justify him or themselves, but the same may and is hereby directed to be determined by Affidavit or Affidavits duly taken before the said Commissioners who are hereby empowered and required to take the same and also to be examined by the Justices upon oath touching the value of their respective estates.

Judges of Assize may take Bail.

**XLII.** *And be it further enacted by the authority aforesaid,* That any Judge of Assize in his Circuit shall and may take and receive all and every such recognizance or recognizances of bail or bails as any person shall be willing and desirous to make and acknowledge before him which being transmitted in like manner as aforesaid shall without oath be received in manner as aforesaid.

Ordinances of Quebec repealed.

**XLIII.** *And be it further enacted by the authority aforesaid,* That the several Acts and Ordinances of the Governor and Council of the late Province of Quebec whereby the several Courts of Common Pleas in this Province were constituted and from time to time continued, be, and each and every of them are hereby repealed.

No Attorney to trade as a Shop Keeper.

**XLIV.** *And be it further enacted by the authority aforesaid,* That after twelve months from the passing of this Act no Attorney of this Court being a Merchant or in any wise concerned by Partnership public or private in the purchasing and vending of Merchandize in the way of Trade as a Merchant shall be permitted to practise in the said Court during the time he may be such Merchant or so engaged as aforesaid, nor until twelve months after he shall have ceased to be such Merchant or so engaged as aforesaid.

Judges to establish Oaths to be taken by all Officers of the Court.

**XLV.** *And be it further enacted by the authority aforesaid,* That from and after the first day of Easter Term next, it shall and may be lawful to and for the said Court of King's Bench and they are hereby required by order or rule, or order or rules to be pronounced by the said Court during the said Term of Easter or during any subsequent Term or Terms from time to time to ascertain, determine, declare and adjudge all and singular the fees which shall and may be taken, or be allowed to be taken by any Clerk of the Crown, Counsel, Attorney, Sheriff, Officer or other person from or in respect of any business after the first day of Easter Term to be done or transacted in the Court of King's Bench, as well in civil causes as in criminal prosecutions as in all matters and things, causes and proceedings which thereafter shall or may be depending in the said Court which regards the King's Revenue or under any Commission of Oyer and Terminer and General Goal Delivery or under any Special Commission of Oyer and Terminer, any former Law to the contrary notwithstanding.

No Commissions or proceedings to be hereby avoided.

**XLVI.** *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend to annul any existing Commission or authority of any Officer or Commissioner heretofore appointed to any Office which may require to be continued by the provisions of this Act or to make void any proceedings now depending in the said Court of King's Bench but that the said office shall be conducted, and the said proceedings be continued and carried on according to the several provisions herein contained.

C H A P. II.

An Act to reduce into one Act the several Laws now in force establishing District Courts, and regulating the Practice thereof, and also to extend the powers of the said District Courts.

[Passed 17th January, 1822.]

**W**HEREAS, it is expedient to amend and reduce into one Act the several Laws now in force for establishing and regulating the practice of the several District Courts within this Province. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province" and by the authority of the same, That an Act passed in the thirty-fourth year of His late Majesty's Reign, entitled "An Act to establish a Court for the cognizance of small causes in each and every District in this Province," also an Act passed in the thirty-seventh year of His late Majesty's Reign, entitled "An Act to extend the Jurisdiction and regulate the proceedings of the District Court and Courts of Requests," also an Act passed in the thirty-eighth year of His late Majesty's Reign, entitled "An Act to repeal part of an Act passed in the thirty-seventh year of the Reign of His Majesty, entitled "An Act to extend the Jurisdiction and regulate the proceedings of the District Court and Courts of Requests, and to make further provision for the same," also the first Clause of an Act passed in the fifty-first year of His late Majesty's Reign, entitled "An Act to amend the process of the District Courts, and also further to regulate the proceedings of Sheriffs in the sale of Goods and Chattels taken by them in execution;" and also an Act passed in the fifty-ninth year of His late Majesty's Reign, entitled "An Act to repeal and amend certain parts of an Act passed in the thirty-fourth year of His Majesty's reign, entitled "An Act to establish a Court for the cognizance of small causes in each and every District of this Province," and also an Act passed in the thirty-seventh year of His Majesty's Reign, entitled "An Act to extend the Jurisdiction, and regulate the proceedings of the District Court and Courts of Requests," be and the same are hereby repealed.

Preamble.

34th Geo. 3d. c. 3.  
37th Geo. 3d. c. 6.  
38th Geo. 3d. c. 3, 1st  
sec. 51 Geo. 3d. c. 6, 57  
Geo. 3d. c. 9, repealed.

*II. And be it further enacted by the authority aforesaid.* That there be constituted and established in each and every District, within this Province, a Court of Record, which shall be known by the name and style of the District Court of each respective District, to be holden by one or more Judge or Judges to be appointed under the Great Seal of this Province.

District Courts established.

*III. And be it further enacted by the authority aforesaid.* That the said Courts shall hold Plea in all matters of contract from forty Shillings to fifteen Pounds;

and when the amount is liquidated or ascertained, either by the act of the parties, or the nature of the transaction, to forty Pounds: and also in all matters of Tort respecting personal Chattels, when the damages to be recovered, shall not exceed Fifteen Pounds, and the title to the Lands shall not thereby be brought into question.

Jurisdiction of the said Courts.

IV. *And be it further enacted by the authority aforesaid,* That the periods of Sitting or Terms for the said Court in each and every year, shall severally commence on the Monday in the week next but one preceeding the week, and at the place in which the Quarter Sessions are, respectively holden in each District, and shall end on the Saturday in the same week.

Terms of Sitting.

V. *And be it further enacted by the authority aforesaid,* That in all Actions not Bailable, the course and proceedings in the said Courts shall be by Summons issuing in the King's name directed to the Sheriff of the District where the Court shall be holden, tested in the name of the first Judge of the said Court, which may be in the following form:—

Course of Proceeding in Actions not Bailable

DISTRICT } GEORGE the FOURTH, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, King, Defender  
TO } of the Faith:  
WIT :

Form of Summons.

TO the Sheriff of said District, \_\_\_\_\_ GREETING:—  
WE Command you that you Summon A. B. to appear either in person or by his Attorney at our District Court, to be holden at \_\_\_\_\_ in the said District on the \_\_\_\_\_ day of \_\_\_\_\_ (next or instant, as the case may be, being some day in Term.) to answer to the complaint of C. D. in a plea of \_\_\_\_\_ as the case may be, (here state the cause of Action) to the damage of the said C. D. of \_\_\_\_\_ for which he brings the suit.

Service of Process.

VI. *And be it further enacted by the authority aforesaid,* That the said Process shall be personally served on the Defendant or Defendants by a literate person, at least eight days before the return day thereof, and in case the Defendant or Defendants shall not appear either in person or by Attorney on the return thereof, it shall and may be lawful for the said Plaintiff or his Attorney, on the day next after such return day, upon Affidavit made of the service of such Process to enter an appearance for such Defendant or Defendants, and on the day next after the entry of such appearance, in case the Defendant shall not have appeared and discharged the costs of such entry either in person or by his Attorney, it shall and may be lawful for the Plaintiff to sign Judgment.

Appearance may be entered by Plaintiff for Defendant.

Plaintiff may in Default of Def'ts appearance sign Judgment.

Defendant may appear and plead.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Defendant or Defendants, his or their Attorney to appear on the return day of the Writ, and file his Plea on or before the third day after such appearance, which in case the same shall be an Action of Assumpsit and he means to defend the suit, and to plead the general issue, may be in the following form:—

Appearance and plea of the General Issue by Defendant.

“The said A. B. appears in person or by G. N. his Attorney, and says he made no such promise.” and in default of a Plea upon the third day after such appearance, it shall and may be lawful for the Plaintiff to sign Judgment.

VIII. And Whereas, it is expedient to authorise the said Courts to issue Writs of Capias in all actions of contract within their respective Jurisdiction; *Be it therefore enacted by the authority aforesaid,* That the said District Courts and each and every of them are hereby authorised and empowered to issue Writs of Capias ad Respondendum in all actions of contract within their Jurisdiction, and in like manner to issue Writs of Capias ad Satisfaciendum, on all Judgments regularly entered in said Courts, or which at any time hereafter may be so entered.

Writs of Capias ad Respondendum and ad Satisfaciendum may issue.

IX. *And be it further enacted by the authority aforesaid,* That before any such Writ as aforesaid, shall be sued out, the same Affidavit as may by Law be required to authorise the issuing of a like Writ from the Court of King's Bench in this Province, shall be made before a Judge of the District Court, the Clerk thereof, or before a Commissioner of the said Court of King's Bench duly appointed to take Affidavits, and the said Affidavit so made, shall be filed with the aforesaid Clerk.

Affidavit to be made previous to suing out Capias ad Respondendum or Satisfaciendum.

X. *And be it further enacted by the authority aforesaid,* That the Sheriff to whom a Writ of Capias ad Respondendum issuing out of any District Court, may be directed shall take bail thereon, and assign the Bail Bond if required, in like manner as the Law does or shall direct in cases where the like process may be issued from the said Court of King's Bench, and such Assignment shall have the like validity and effect in the one instance as in the other.

Bail Bond to be taken and assigned.

XI. *And be it further enacted by the authority aforesaid,* That the Defendant or Defendants in every Bail Action shall be allowed two days after the return of the Writ, to enter and perfect Bail to such Action, and to give notice thereof, to the Plaintiff or Plaintiffs or his or their Attorney, and the recognizance of such Bail shall be the same in substance as the recognizance taken in the said Court of King's Bench, and may be acknowledged before any Judge of the District Court issuing the Writ or before a Commissioner of the said Court of King's Bench duly appointed to take recognizances of Bail in the same District.

Time for and manner of perfecting Bail.

XII. *And be it further enacted by the authority aforesaid,* That all Affidavits of Justification of Bail may be taken before a Judge of the said District Court, or before the Clerk thereof or a Commissioner for taking Affidavits in the Court of King's Bench, and shall be duly filed by such Clerk, and the practice of the said Court of King's Bench shall be the rule of decision in all matters respecting the justification of such Bail.

Bail may justify by Affidavit.

XIII. *And be it further enacted by the authority aforesaid,* That each of the said District Courts shall have power to grant such relief to the Debtor, the Bail to the Sheriffs, or the Bail to the Action, as might be done by the said Court of King's Bench, in case such action had been instituted in the said last mentioned Court.

Bail may be relieved on application to the said Courts.

XIV. *And be it further enacted by the authority aforesaid,* That the Plaintiff or Plaintiffs may file a declaration de bene esse in any suit where a Capias in the first instance shall issue, and if the Defendant or Defendants shall enter and perfect Bail to the action in due time as herein before mentioned for that purpose, he, or they, shall be bound to plead to such declaration, with-

Declaration may be filed de Bene Esse, and Defendant bound to plead within two days after Bail perfected without any demand of Plea.



in two days after the perfecting of such Bail with out any demand of plea, and the conditional filing of the said declaration shall in no case discharge the Defendant or Defendants from the necessity of entering and perfecting Bail to the Action aforesaid.

Actions may be prosecuted on Bail Bonds taken in causes instituted in the said Courts although the Penalty exceeds £40.

XV. *And be it further enacted by the authority aforesaid,* That whenever the amount of the penalty of the aforesaid Bail Bond to be taken by the Sheriff, shall exceed the sum of Forty Pounds, an action on such Bail Bond so exceeding the said sum may be brought in the aforesaid Court, and preceded upon to final judgment and execution as in other actions therein any thing herein contained to the contrary notwithstanding.

Notice of set off may be given.

XVI. *And be it further enacted by the authority aforesaid.* That where there are mutual debts between the Plaintiff and Defendant, or if either sue or be sued as Executor or Administrator, when there are mutual debts between Testator and Intestate, and the other party, one debt may be set against the other, and such matter may be given in evidence on the general issue so as at the time of pleading the general issue when any such debt is to be insisted on in evidence, notice be given of the particular sum or debt so intended to be insisted on, and on what account it became due.

Court may grant further time to plead.

XVII. *And be it further enacted by the authority aforesaid,* That in all cases where the Defendant or Defendants shall enter or cause his or their appearance to be entered at the return of the Writ, it shall and may be lawful for him or them, on motion made in Court to be supported by Affidavit, to apply for further time to put in their plea, which motion the Court shall be at liberty to grant where sufficient cause shall be shewn, and also to impose such terms on the Defendant as justice may require.

Four days notice of Trial & Assessment of damages to be given and two days countermand thereof.

XVIII. *And be it further enacted by the authority aforesaid,* That four days notice of trial and Assessment of damages shall be given to the Defendant or Defendants of every issue to be joined in the said Court, which notice may be lawfully countermanded, provided such countermand be served on the Defendant or his Attorney, two days before time appointed for the trial of the said issue or the Assessment of damages.

Costs may be awarded for not proceeding to Trial pursuant to notice.

XIX. *Provided always, and be it further enacted by the authority aforesaid,* That when the Plaintiff having given notice of trial and not having countermanded the same, within the time aforesaid, shall neglect to enter the cause and bring forward the said issue for trial, he shall pay to the Defendant or Defendants all reasonable costs and charges by him incurred on account of such notice, and in case the said Plaintiff shall not give fresh notice of the trial of the said issue on or before the third day of the term next ensuing, it shall and may be lawful for the Defendant to move for, and the Court to give the like Judgment as in case of a non-suit.

Judgment as in case of a non suit may be given.

XX. *And to the end that the trial of all issues to be joined in the said Court as well as the Assessment of damages upon Judgments obtained by default as aforesaid, may be had at the most convenient time and place, it shall and may be lawful for the Judge presiding in the said Court to issue his Precept to the Sheriff of the District, at least seven days before the week in which the Sessions are holden, requiring him to summon, and the said Sheriff shall and is hereby required upon receipt of such precept to*

summon, not less than thirty-six nor more than forty-eight Jurors living within the said District to be and appear in the town or place where the Quarter Sessions are usually holden, on the same day on which the said Sessions do severally commence to be holden, from whom a Jury shall be taken for the trial of each issue and the assessment of damages in like manner as directed in all cases to be tried at Nisi Prius, and each person sworn for the trial of any issue joined or for the assessment of damages as aforesaid shall be entitled to receive six pence and no more.

XXI. *Provided always, and be it further enacted by the authority aforesaid,* That in all actions upon Promissory Notes when Judgment by Default shall be signed in the said District Courts, it shall and may be lawful for the Judge of the said Court in Term time only upon proof of the service of notice of such intended proceeding to compute the Principal and Interest due on any such Note or Notes and proceed to final Judgment and execution in the same manner as if the damages had been assessed by a Jury any thing contrary thereof in any wise notwithstanding.

XXII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the party for whom any verdict shall be rendered or his Attorney to sign final Judgment on the third day of the Term next after the giving of the said verdict and to proceed to sue out execution immediately.

XXIII. *And be it further enacted by the authority aforesaid,* That when the party Defendant shall have any material or just cause to show why Judgment should be arrested, or the party Plaintiff or Defendant, any such cause to show why a new trial should be had, it shall and may be lawful for the said party, either in person or by his Attorney on the first or second day of the Term next ensuing the said verdict to move the Court on grounds to be supported by Affidavit, for a rule to show cause to the effect above mentioned, and in case the Court shall see sufficient grounds for the granting of such rule, notice thereof shall be served on the opposite party or his Attorney, and on hearing the parties the said rule shall be made absolute or discharged in the course of the said Term.

XXIV. *And in order to enforce obedience to the orders of the Judges of the said Courts, Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for the Judge or Judges of the said Courts respectively and they are hereby authorised upon due proof of disobedience to the regular order of the said Courts or of any wilful contempt or resistance to the regular Process or order of the said Courts to proceed against the parties so withstanding, disobeying or offending, by attachment to be directed to the Sheriff and in case the Sheriff shall be party in the said Process or order to be directed to the Coroner of the District, who is hereby authorised and required to execute the same, and upon the appearance of the said party so offending upon the return of the said Attachment shall and may be lawful for the Judge issuing the same, to proceed thereon in the same manner as is now practised in the Court of King's Bench.

XXV. *Provided always, and be it further enacted by the authority aforesaid,* That the said Judge or Judges respectively shall not have power or authori-

Judges of the said Courts to issue Writs Precept to the Sheriffs of their respective Districts to summon not more than 48 nor less than 36 Jurors to appear at the time and place of holding the General Qr Sessions.

Jurors to receive 6d each.

Judges may compute Principal & Interest on Prom'y Notes where Judgment by default has been signed & give final Judgment without the intervention of a Jury.

Plaintiff may enter Judgt on verdict on the 3d day of the Term next after trial.

Either Pl'ff or Deft may move in arrest of Judgt or for a new trial.

And Court on sufficient grounds may grant the same.

Courts may issue attachments in certain cases of contempt.

But party offending

80

not to be fined more than £10 or imprisoned beyond 1 month.

No Commissions or proceedings to be avoided by this act.

ty to order the party offending to be fined a greater sum than Ten Pounds nor be imprisoned a longer period than one Calendar month.

XXVI. *Provided also, and be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend or be construed to extend to annul or make void any existing Commission of Judge of the District Court in any District in this Province, or to interfere with or obstruct any proceeding now depending in any District Court in this Province, but that the same shall continue and proceed as if this Act had never been passed.

XXVII. *And be it further enacted by the authority aforesaid* That it shall and may be lawful for the persons hereinafter named to demand and receive the following fees:—

JUDGE.

	£	s.	d.
On every Writ of Capias ad Respondendum and Summons issued,	0	2	6
For every Special Motion,	-	0	5 0
Taxing Costs and entering final Judgment,	-	0	10 0
Every Verdict of Jury,	-	0	5 0
Taking Recognizance of Bail,	-	0	1 6
Taking every Affidavit.	-	0	1 0

Table of Fees.

COMMISSIONER.

Taking Recognizance of Bail,	-	0	1 6
Taking Affidavit,	-	0	1 0

ATTORNEY.

Instruction to Sue or Defend,	-	0	5 0
Declaration,	-	0	4 0
Copy of every Paper, half the amount allowed for the Original,			
General Issue, Appearance, Interlocutory Judgment, Notice of } Set off Cognovit, or entering final Judgment,	0	2	6
Every Special Plea,	-	0	3 9
Every Notice,	-	0	1 0
Drawing Bill of Cost,	-	0	1 0
Every necessary attendance,	-	0	1 0
Special Motion,	-	0	5 0
Brief and Fee,	-	0	10 0
Drawing Bail Piece,	-	0	4 0
Recognizance,	-	0	2 0
Drawing Affidavit,	-	0	2 6

SHERIFF.

For every Jury Sworn,	-	0	4 0
Service of Summons of Capias,	-	0	2 6
Filing every Execution,	-	0	5 0
Poundage on all Writs of Execution, a 2 1-2 per cent.			
Milage. Four pence per Mile,			
Returning Writ of Execution	-	0	1 0
Bail Bond.	-	0	2 6
Assignment thereof,	-	0	1 0

CLERK

Every Writ of Summons, Subpœna or Capias ad Respon-	}	0	2	6
dendum issued, and filing Præcipe therefore,				
Filing every other separate paper,	-	-	-	6
Taking Verdict,	-	-	2	6
Entering Judgment,	-	-	2	6
Taking every Affidavit,	-	-	1	0
Every Writ of Execution and filing Præcipe,	-	-	5	0

CRIER.

Swearing Jury,	-	-	0	1	0
For calling each cause,	-	-	0	0	4

XXVIII. *And be it further enacted by the authority aforesaid.* That no person whatsoever shall claim or be entitled to any other or greater fee for any business done by him in the said District Court, whether as Judge, Commissioner, Attorney, Sheriff, Clerk or Crier, than is set down for him in this Act, or any fee for any business done by him in the said Court, other than the business which is prescribed and directed by Law, nor shall any such fee be allowed in any Bill of Costs.

No other Fees to be allowed than those enumerated in this Act.

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CHAP. III.

An Act to repeal part of and amend the Laws now in force for the raising and training the Militia of this Province.

[Passed 17th January, 1822.]

**W**HEREAS it is expedient to repeal part of and to amend the Laws now in force in this Province for the regulation of the Militia: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province" and by the authority of the same, That from and after the passing of this Act so much of the fifth Clause of an Act passed in the forty-eighth year of His late Majesty's Reign, entitled "An Act to explain amend and reduce to one Act of Parliament the several Laws now in being for the raising and training the Militia of this Province" as requires the Militia to be called out annually on the fourth day of June, and also the thirteenth clause of the said Act, and so much of the fourteenth Clause of the said Act, as directs that every person who shall be enrolled, of any Regiment, Battalion or Independent Company shall within six months thereafter provide himself with at least six rounds of powder and ball, be and the same are hereby repealed,

Preamble.

82

Militia to be called out annually on the 23d of April.

Any non-Commissioned Officer or Private guilty of Drunkenness or disobedience of orders on Parade may be committed to Gaol for 2 Days.

Commanding Officer may direct a Board of Officers to assemble and try offenders and to impose a fine on delinquents not exceeding £20 nor less than 10s.

Fines to be levied by warrant under the hand of the Comdg. Officer.

And in default of Goods, person convicted to be imprisoned not longer than one month nor less than 5 days.

II. *And be it further enacted by the authority aforesaid,* That the Militia shall from and after the passing of this Act be called out annually on the twenty-third day of April for review or in case it should happen on a Sunday, then on the next day, and that any person neglecting or refusing to attend except in case of sickness, or having obtained leave of absence shall be liable to be punished for such neglect or refusal in the manner pointed out by the said recited Act.

III. *And be it further enacted by the authority aforesaid,* That if any Non-Commissioned Officer or Private be guilty of drunkenness or shall neglect or refuse to obey the lawful orders of his superior Officer or Officers when on Militia duty, or shall quarrel with or insult by abusive words or otherwise any Officer or Non-Commissioned Officer at any Muster or Training, whether in Regiment, Battalion or Company, it shall and may be lawful for the commanding Officer then present to direct such Non-Commissioned Officer or Private to be forthwith taken into Custody and committed to the common Gaol of the District for a time not exceeding two days, there to remain without bail or mainprize, and it shall be the duty of the Sheriff or his Gaoler to receive such Non-Commissioned Officer or Private into the said Gaol, and there to detain him during such period as shall be specified in a warrant from the said commanding Officer, not exceeding the said term of two days, or if the said commanding Officer of the Regiment or Battalion shall deem it more expedient to punish such offender or offenders by fine it shall and may be lawful for the said commanding Officer to direct a Board of Officers consisting of one Captain and three Subalterns, to assemble to try such offender or offenders, and if such offender or offenders shall be convicted of the offence or offences alledged against him or them, it shall and may be lawful for the said Board to impose a fine upon such offenders or any of them of any sum not exceeding five pounds nor less than ten shillings, to be levied by warrant under the hand and seal of the Officer presiding at the said Board, of the Goods and Chattels of the offender or offenders, and in default of such Goods and Chattels the person or persons convicted shall be committed by the Officer presiding at the said Board to the common Gaol of the District for a term not exceeding one calendar month nor less than five days unless such fine and all reasonable costs are sooner paid.

IV. *And be it further enacted by the authority aforesaid,* That if any Non-Commissioned Officer or Private who may be ordered to apprehend or escort to Gaol any offender who may be ordered to be committed under this Act, shall neglect or refuse so to do without a good and sufficient excuse to be allowed by the commanding Officer of the Regiment, he shall, if a Non-Commissioned Officer be reduced to the ranks, and shall be subject to a fine of one pound, and if a private he shall forfeit and pay the sum of ten shillings, on conviction before any two of His Majesty's Justices of the Peace to be levied in the same manner as all other Militia fines may now be levied by such Justices of the Peace, and in default of Goods and Chattels sufficient to satisfy such fine the person or persons convicted before such Justices of the Peace, shall and may by warrant under the hands and seals of such Justices, be committed to the common Gaol of the District for a term not exceeding eight

days nor less than one day, or until the fine and reasonable costs are paid, not exceeding the said period of eight days.

V. *And be it further enacted by the authority aforesaid,* That all Officers who may be appointed to compose any Board for the trial of any offender or offenders under this Act shall before proceeding to the trial of such offender or offenders take the following oath: "I do sincerely promise and swear that in all such matters as shall be brought before me for trial under the Militia Laws of this Province, I will faithfully act according to the best of my judgment agreeably to the said Laws without favor or partiality to any person so help me God" which oath may be administered by any one member to the other members of the said Board.

Board of Officers trying an Offender to take the following Oath.

Oath.

VI. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall be the duty of every Officer commanding the several Regiments, Battalions or Independent Companies of Militia in this Province to appoint a Clerk to each Company of such Regiment Battalion or Independent Company, whose duty it shall be to keep registers of their respective Companies, to furnish the Non-Commissioned Officers with lists of the men whom they are directed to warn for Training or other Militia duty and to take lists of the Companies as often as required by the Officers commanding them, to attend Commissioned Officers making inspection of arms, to attend all musters; to keep an account of all fines which may be levied in their respective Companies, and to make out all returns which may be necessary in their respective Companies; and it shall be lawful for the commanding Officer of any Regiment Battalion or Independent Company to allow and pay to the Clerk of each Company a proportion not exceeding one fifth of the fines which may be collected in the Company to which he may belong, until such proportion shall amount to the sum of five pounds as a reward for his services and trouble in doing the duty enjoined hereby.

Commanding Officers to appoint a Clerk to each Company.

Duty of such Clerks.

Clerk may receive not to exceed 1/5 of the Fines collected in his Company as a compensation for his trouble, provided the same do not exceed £5.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Colonel or Officer commanding any Regiment or Battalion of Militia to appoint a Serjeant Major and Clerk for such Regiment or Battalion and to displace such Serjeant Major or Clerk and appoint others in their room as he shall see occasion; and the Serjeant Major and Clerk for the time being shall be exempted from all balloting for actual service, and it shall be the duty of such Serjeant Major and Clerk to attend all Musters or Trainings of the Regiment or Battalion to which they may belong, and to execute the orders of their commanding Officer in all matters touching or belonging to the duties of their respective situations.

A Clerk & Serjeant Major to be appointed to each Regiment.

Who shall be exempted from balloting for actual service.

Duty of such Clerk and Serjeant Major.

VIII. *And be it further enacted by the authority aforesaid,* That the Colonels or Officers commanding Regiments or Battalions shall within one month after any General Training make out and transmit to the Adjutant General of the Militia for the information of the Governor, Lieutenant Governor or Person Administering the Government, returns of the strength of their Regiments or Battalions; and also returns of Arms, and an account of all fines collected or paid to them and of the expenditure thereof; with certified copies of the vouchers for such expenditure; and all Captains or Officers commanding Companies are hereby required to make out and transmit to the Officer

Commanding Officers of Regiments or Battalions to make Returns of the state of their Regiments, within one month after General Training & an account of all monies received and expended on account thereof with proper vouchers.

Officers commanding Companies to transmit twice a year to the Officer commanding their Regiments, Returns of the strength of their Companies and of their accoutrements according to the forms prescribed by the Adjutant General.

commanding the Regiment or Battalion to which such Companies belong, twice in every year, viz. on or before the fifteenth day of March and the fifteenth day of September, and as often further as required by the Commanding Officer of the Regiment or Battalion, returns of the strength of their respective companies, with fair roles thereof, and also returns of arms and accoutrements, and all forms of returns prescribed by the Adjutant General of Militia, shall be uniformly adopted.

Companies to be divided into two Classes.

IX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Officers Commanding the Regiments or Battalions of Militia, to cause the Captains or Officers Commanding Companies in their respective Regiments or Battalions, annually to divide their Companies into two classes, the first of which shall consist of all the able men from the age of sixteen to the age of forty years inclusive, and the other class to consist of all the men above the age of forty, and the Commanding Officers of Regiments or Battalions shall and may select from the first class such men as they may conceive most fit for flank companies, and may appoint the Officers to be attached to such flank companies, but in the event of a War such flank companies shall be formed by ballot from the first class, provided a sufficient number shall not volunteer for that purpose, and the said flank companies shall be considered as the first for service and shall be supplied with any arms or accoutrements which may be issued for the use of Militia in preference to any other companies or portion thereof, and the persons who may be selected or balloted for such flank companies shall attend on being duly warned by the Sergeant or persons authorised to warn the men of the Company in the limits of which they may respectively be resident, or the Sergeant of the flank company to which they belong, and when assembled, shall join and fall in with the flank company to which they may be attached

Flank Companies to be formed.

In time of War by ballot unless a sufficient number volunteer.

Flank Companies to be supplied with arms in preference to any others.

Flank Companies may be called out ten times a year and then exempted from Statute Labor and Parish Offices.

This Act not to interfere with any appointment held at the time any person may be attached to a flank Company.

X. *And be it further enacted by the authority aforesaid,* That the flank Companies to be formed in manner pointed out in this Act, shall and may be called out for muster or training at least ten times and not oftener in every year, and the men composing such Companies, shall be exempted from Statute Labor, and from the discharge of the duties of Constables or any Parish or Town Office while they continue in such flank Companies, *Provided however,* that this Act shall not interfere with any appointment which any of such men may hold at the time of their being attached to such companies.

Lists to be made out by which men may be called into actual service.

Manner of Balloting.

XI. *And be it further enacted by the authority aforesaid,* That as soon as the classes and flank Companies shall be formed as aforesaid, the Commanding Officers of the respective Companies shall cause a draft or ballot to be made of the remainder of the first and second class as hereinafter mentioned for the purpose of framing a list or roster, by which the men of such classes may be called into actual service when required, that is to say beginning with the first Class, the names of each and every person in such class liable to serve, shall be written on separate pieces of paper as near as may be of equal size, which shall be folded up in the same manner and put into a hat, and therein be well mixed and shaken together, and in like manner numbers from one to the extent of the number of men contained in such class shall be written on distinct pieces of paper of equal size as near as may be, and separately rolled or folded up as near as may be in the same manner and put into another hat, and well mixed or shaken together, and two indifferent

persons shall be nominated by the Commanding Officer of the Company publicly to draw the same, and the said persons shall respectively begin by drawing out of each hat one of the said papers, and the Clerk of the Company if present, or otherwise a person appointed to officiate as Clerk shall form a list on a paper to be provided for that purpose, and shall first set down thereon the name of the person first drawn out of the hat, and opposite to such name the number first drawn out of the other hat, and then the persons appointed to conduct the drawing as aforesaid, shall draw out another name and another number respectively, which shall be set down in like manner, and the drawing shall so proceed until the whole of the names and numbers of such first class shall be drawn and set down in writing as aforesaid; and from such list the Clerk of the Company shall form a new list or roster, beginning with the person against whose name the number *One* stands in the list, and proceeding in numerical order to the name of the person who drew the last or highest number, and after the drawing of the first class shall be completed, the second class shall be ballotted in like manner and shall be considered as next for service, according to their respective numbers on the list of such ballot, after the first class shall have completed its period of service which shall not exceed six months at any one time.

XII. *And be it further enacted by the authority aforesaid,* That when any arms or accoutrements may be issued from His Majesty's Stores, for the use of the Militia of this Province the Officer commanding the Regiment or Battalion for whose use the same may be issued, shall, after the same have been received, deliver the same into the care and custody of the Officers commanding Companies, who shall be considered responsible for their safe keeping, and for their being kept in good order and repair, and if any of the said arms or accoutrements shall be lost or rendered unserviceable the officer responsible for the same shall be answerable to the commanding Officer for the value thereof which may be recovered by the said commanding Officer in any action to be brought for that purpose: *Provided nevertheless,* that if such responsible Officer shall furnish arms and accoutrements of the like description and value as those which may have been lost or rendered unserviceable, the same shall be taken and accepted in lieu thereof, and the Officers commanding Regiments or Battalions shall in like manner be accountable and may be called to account by the Adjutant General of Militia for any arms or accoutrements received by them for the use of their respective Regiments. *Provided nevertheless,* that no person shall be liable for any arms or accoutrements under this Act, who shall make it satisfactorily appear that the same have been injured or lost from accident, and not from any neglect or misconduct.

XIII. *And be it further enacted by the authority aforesaid,* That the Captain or other Officer commanding a flank Company shall lodge the arms and accoutrements so received by him in some suitable and convenient place or places within the limits of his Company where they may be delivered out to persons for whom they are intended upon all days of Training or Muster or such other time as the Captain or Officer commanding the Company shall direct, and the men to whom the same may be issued shall severally be responsible to the Officers commanding Companies for them, and shall return the

Arms for the use of the Militia to be delivered to the Officers commanding companies who are to be responsible therefore to the officer commanding their respective Regiments.

And Commanding Officers of Regiments to be answerable to the Adjutant General,

Captains of Flank Companies to lodge Arms &c. in some convenient Place within the Limits of his company from whence they may be delivered to the Men who are to be responsible to their Officer therefore & to return them to the same place within 24 hours after muster.



Penalty of 2s 6d for each days neglect.

And in default of Goods to satisfy penalty & costs Party may be committed for a period of not more than 20 days.

Officers Commanding Regiments may order an Inspection of the arms of their Regiments as often as they may think it necessary

Expenses of keeping Arms in repair to be defrayed by the Companies respectively and to be recoverable before the Court of Requests.

Adjutants of each Regiment to receive Ten Pounds per Annum for their services

Adjutant may hold the rank of Captain in his Regiment.

Persons molesting any Militia Exercise, may be confined by officer Commanding and may be punished in the same manner as Militia men insulting their Officers.

same, and every part thereof in as good order and condition as when received by them to the place of deposit, within twenty-four hours after such Training, Muster or other service shall be over, under the penalty of two shillings and six pence for every days neglect to be recovered before any one of His Majestys Justices of the Peace, and in default of Goods sufficient to satisfy such penalty and reasonable costs of conviction, the person who shall be convicted shall and may be committed by such Justice to the common Goal of the District for a term of not less than two days nor more than twenty days, or until such penalty and costs are paid not exceeding the said term of twenty days. *Provided nevertheless* that it shall be in the power of the commanding Officer to remit the said Penalty, if it shall appear to him expedient and proper so to do.

XIV. *And be it further enacted by the authority aforesaid*, That the Colonel or Officer commanding any Regiment or Battalion shall once in every year; or as often as he may think necessary besides the usual days of Training order an inspection to be made by the Adjutant of the Regiment or Battalion of such arms and accoutrements as may be in the possession of the Regiment and report the state thereof for his information.

XV. *And be it further enacted by the authority aforesaid*, That the necessary and unavoidable expence of keeping the arms and accoutrements of each Company in proper order and repair, shall be borne by each Company respectively and may be charged and recovered against the men of such Company respectively, by the Officer Commanding the Company, before the Court of Requests; but no Militia man shall be liable to keep more than one stand of arms and one set of accoutrements in order and repair.

XVI. *And be it further enacted by the authority aforesaid*, That it shall be lawful for the Commanding Officer of each Regiment or Battalion to allow to the Adjutant thereof, the sum of ten pounds per annum out of any fines which may be collected in the regiment, or in case such fines shall not amount to that sum. The Adjutant of each Regiment or Battalion shall be entitled to receive the same from and out of the District Treasury on producing to the Treasurer annually a certificate from the Field Officers, and at least four Captains of the Regiment or Battalion that such Adjutant is duly qualified and has punctually attended and discharged the duties of his situation.

XVII. *And be it further enacted by the authority aforesaid*, That the Adjutant of any Regiment or Battalion may hold the situation and rank of Captain in the same.

XVIII. *And be it further enacted by the authority aforesaid*, That if any person or persons shall willfully interrupt or molest any Regiment, Battalion, Company or Detachment of Militia when mustered or at exercise, or on any duty prescribed by the Laws of this Province, it shall be lawful for the Commanding Officer of such Regiment, Battalion, Company or Detachment; to confine such person or persons during the continuance of such exercise or muster, if necessary to prevent the continuance of such insult or interruption; and the person or persons so confined shall be liable to be punished in the same manner as heretofore provided for, in cases of persons insulting an Officer in the execution of his duty.

XIX. *And be it further enacted by the authority aforesaid*, That no Officer who has been or who may be hereafter cashiered by the sentence of a General

Court Martial, or who may be dismissed His Majesty's regular service, shall be entitled to any rank or privilege from having held such Commission, or exempted from enrolment or the performance of the duties of a private militia man, unless the Governor, Lieutenant Governor or Person Administering the Government shall direct otherwise.

XX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor or Person Administering the Government of this Province, from time to time to commission and appoint a Surgeon to each Regiment or Battalion of Militia, and to appoint proper Officers to command and inspect the Regiments or Battalions of Militia throughout the Province or to limit the command and inspection of such Officers to a particular number of Regiments or Battalions, or to the inspection or command of all the Regiments or Battalions in particular divisions of the Province as may be most convenient fit and proper. and all such Officers when so commissioned and published in General Orders to the Militia, shall be obeyed in all things lawful by all persons who shall be so placed under their respective command.

XXI. And whereas, for the more effectual co-operation of the Militia with His Majesty's regular forces, it has been found necessary, in time of actual service, that Lieutenant Colonels in His Majesty's Regular Army, should rank above all Militia Officers, and it may also be expedient in case of the appointment of Inspecting Field Officers to train and discipline the said Militia, that the same regulation should prevail in time of peace: *Be it further enacted by the authority aforesaid,* That the first clause of the above recited Act of the Parliament of this Province passed in the forty-eighth year of His late Majesty's Reign, entitled "An Act to explain, amend and reduce to one Act of Parliament, the several Laws now in being for the raising and training the Militia of this Province," be and the same is hereby repealed, and that from and after the passing of this Act, the Governor, Lieutenant Governor or Person Administering the Government of this Province, shall and may from time to time constitute and appoint under his hand and seal a sufficient number of Colonels, Lieutenant Colonels, Majors, Staff and other Officers, to train discipline and command the Militia of this Province, according to the rules, orders and directions contained in the Militia Laws of this Province, and the Officers so appointed, and also those already appointed to the Militia, shall rank with the Officers of such of His Majesty's Forces as may for the time being serve within this Province, as follows, namely, The Colonels and Lieutenant Colonels of the Militia to take rank after the Lieutenant Colonels of His Majesty's regular Forces, and all other Officers of the Militia, as youngest of their respective ranks, which said Officers respectively shall within six months after their several appointments take the oath of allegiance prescribed by Law, before the Magistrates assembled in Quarter Sessions within the District to which such Officers respectively belong, *Provided always nevertheless,* That nothing herein contained shall extend to annul or make void any existing Commission or Appointment in the Militia of this Province.

Militia and Military Officers who have been cashiered or dismissed the service, not exempted from serving in the ranks, unless the Governor shall otherwise direct.

The Governor, Lieutenant Governor or Person Administering the Government may appoint a Surgeon to each Regiment, and Officers to Command and inspect the whole or any number of the Regiments of Militia in this Province.

48th Geo. 3d ch. 5, sec. 3 repealed.

Appointment of Colonels, Lieut. Colonels, Majors and Staff Officers to train the Militia.

Respective ranks for the Militia officers with Officers in his Majesty's Service.

Officers to take the Oath of Allegiance in Quarter Sessions.

No existing Commission to be made void by this Act.

No Person to treat  
Militia Men with any  
Spirituons Liquors  
when on Duty.

XXII. *And be it further enacted by the authority aforesaid,* That no Officer, Non-Commissioned Officer, Private Militia Man or other Person shall directly or indirectly give to or treat with Rum or other Spirituous Liquors any Militia men assembled under the authority of this or any other Militia Law of this Province.

This Act to continue  
in force 4 years.

XXIII. *And be it further enacted by the authority aforesaid,* That this Act shall be and continue in force for the space of four years, and from thence to the end of the then next ensuing Session of Parliament and no longer.

## CHAP. IV.

An Act to render ineligible to a Seat in the Commons House of Assembly of this Province certain descriptions of Persons therein mentioned.

[Passed 17th January, 1822.]

Preamble.

**W**HEREAS, the Remote situation of this Infant Colony from the Mother Country, and its proximity to the United States of America, require that its House of Assembly should be free from a foreign influence, which might endanger the best interests of the Province, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province" and by the authority of the same. That from and after the passing of this Act, no person or persons now resident within this Province or who shall or may at any time hereafter come into this Province to reside, who shall or may have taken the Oath of Abjuration against His Majesty's Government, or who shall have been a Member of the Senate or House of Representatives of the said United States, or any of the said United States respectively or who shall or may have held any Office in any of the Executive Departments of State of the said United States or State respectively, or who shall be or may have been convicted in any Foreign Country of Felony or of any offence which if committed in this Province would subject the offender to infamous punishment, shall be capable of being Elected to serve as a Member in the House of Assembly of this Province, any Law, usage or custom to the contrary notwithstanding.

Qualifications of  
certain Persons to  
serve in the House of  
Assembly.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Returning Officer at any Election hereafter to be had of a

EIGHTH PARLIAMENT, C. 5, IN THE 2d. YEAR OF GEORGE IV. A D. 1822.

Member to represent in the said House of Assembly, any County, Town or Riding within this Province, and he is hereby required at the instance and request of any one Elector of the County, Town or Riding in which such Election shall be held, to tender to every Candidate for the said Election the following Oath:—

“ I A. B. do sincerely and solemnly swear, that during my residence in the United States of America, I have not taken or subscribed any Oath of Abjuration of Allegiance to the Crown of Great Britain, and further, that during my said residence I have not held the Office or appointment of Senator or Member of the House of Representatives of the United States, or of either of the said United States respectively, or held or enjoyed any Office in any of the Executive Departments of State in the said United States or State respectively, so help me God.”

III. *And be it further enacted by the authority aforesaid,* That if any person shall wilfully forswear himself in the Oath taken by virtue of this Act, he shall be deemed guilty of wilful and corrupt perjury, and may be punished accordingly.

Oath to be tendered to any Candidate by returning Officers.

Persons taking Oath subject to the Penalties of Perjury.

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## C H A P. V.

An Act to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's Reign, entitled “ An Act for the better regulating the practice of the Law,” and to extend the provisions of the same.

[Passed 17th January, 1822.]

**W**HEREAS it is expedient to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's Reign, entitled “ An Act for the better regulating the practice of the Law and to extend the provisions of the same : Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled “ An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled “ An Act for making more effectual provision for the Government of the said Province,” and by the authority of the same, That the Treasurer and Benchers of the Law Society for the time being, and their Successors to be nominated and appointed according to the rules and by-laws of the said Society, shall be and

Preamble.

Treasurer and Benchers of the Law Society incorporated.

To have a Common Seal.

they are hereby declared to be one body corporate and politic in deed and in law, by the name of the Law Society of Upper Canada, and shall have perpetual succession and a common seal, with power to change, alter, break or make new the same, and they and their successors by the name aforesaid, may sue and be sued, implead and be impleaded, answer and be answered unto in all or any Court or Courts of Record and places of Jurisdiction within this Province, and that they and their successors by the name aforesaid shall be able and capable in Law to have, hold, receive, enjoy, possess and retain for the end and purposes of this Act, and in trust and for the benefit of the said Society all such sum and sums of money as have been paid or given, or shall at any time or times hereafter be paid, given, devised or bequeathed by any person or persons to and for the use of the said Society, and that they and their successors by the name aforesaid shall and may at any time hereafter without any licence of Mortmain, purchase, take, receive, have, hold, possess and enjoy any lands, tenements or hereditaments, or any estate or interest derived or arising out of any lands, tenements or hereditaments for the purposes of the said Society, and for no other purposes whatsoever, and may also in the same manner, sell, grant, lease, demise, alien or dispose of the same, and do or execute all and singular other matters and things that to them shall or may appertain to do.

May hold Lands to the use of the society.

II. *And be it further enacted by the authority aforesaid,* That so much of the fifth Clause of the said Act passed in the thirty-seventh year of His late Majesty's Reign, as respects the admission of persons to practice in this Province, who have been duly admitted to practice at the Bar of any of His Majesty's Courts in England, Scotland or Ireland, or of any of His Majesty's Provinces in North America, shall be and the same is hereby repealed, and that from and after the passing of this Act, it shall and may be lawful for any person having been duly called, to practice at the Bar of any of His Majesty's Superior Courts, not having merely local Jurisdiction in England, Scotland or Ireland, or in any of His Majesty's Provinces in North America, in which the same privilege would be extended to Barristers from this Province, on Producing sufficient evidence thereof, and also on producing testimonials of good character and conduct to the satisfaction of the Law Society of this Province to be called by the said Law Society to the degree of a Barrister, upon his entering himself of the said Society and conforming to all the Rules and regulations thereof.

Certain Persons coming from Great Britain Ireland or British Provinces in America may be called to the Bar in this Province.

III. *And be it further enacted by the authority aforesaid,* That the sixth Clause of the said Act passed in the thirty-seventh year of His late Majesty's Reign shall be and the same is hereby repealed, and that from and after the passing of this Act, no person shall be admitted by the Court of King's Bench to practice as an Attorney in this Province, unless upon an actual service under articles for five years with some practising attorney in this Province. *Provided nevertheless,* that nothing in this Act contained, shall extend or be construed to extend to any Student now serving with any person in this Province duly authorised to take a Clerk, and who shall have been proposed or entered on the Books of the Law Society as a Student.

No Person to be admitted to practice as an Attorney under 6 years actual service.

CHAP. VI.

An Act for assigning Limits to the respective Gaols within this Province.

[Passed 17th January, 1822.]

**W**HEREAS it is expedient to assign certain Limits to the Gaols within this Province in which debtors may have the benefit of exercise and air, without subjecting the Sheriff or other Officer in whose Custody such debtor may be, to any action at Law for an escape, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province" and by the authority of the same, That from and after the passing of this Act it shall and may be lawful for His Majesty's Justices of the Peace in Quarter Sessions assembled, from time to time, in each and every District within this Province to order determine and appoint certain Limits of Ground, not exceeding six Acres, to each and every Gaol within the said Province, and that after the establishment of such Limits, it shall and may be lawful for any debtor or debtors, confined or to be confined in such Gaols to be and remain at any part or place within such Limits without subjecting the Sheriff or other Officer in whose Custody such debtor or debtors may be, to any action or suit for an escape from such Gaol or Limits: *Provided however*, that it shall not be incumbent upon such Sheriff or other Officer to allow any debtor or debtors the use and benefit of such limits, unless such debtor or debtors shall furnish good and satisfactory security, that he or they will not at any time during his or their confinement go or remove beyond such established Limits, *Provided nevertheless*, that during such time as any debtor in Execution shall have the liberty of such limits as aforesaid, such debtor shall not be entitled to receive from the Plaintiff in the action, any weekly maintenance by reason of any Statute for the benefit of Insolvent Debtors.

Preamble

Justices in Quarter Sessions may appoint Limits to Gaols in this Province.

Debtors may reside within the Limits.

Upon giving security to the Sheriff not to transgress the same.

No Debtor resident within the Limits to receive allowance from Plaintiff.

If any Debtor admitted to the benefit of the Limits abscond, Sheriff may recover from such Debtors or their security the amount of the sum for which such debtor was confined & Costs.

II. *And be it further enacted by the authority aforesaid.* That if any debtor or debtors who may be confined in any Gaol within this Province, and who may have given security to entitle himself or themselves to the benefit of such Limits, shall withdraw or depart from or out of the said Limits, it shall and may be lawful for the Sheriff or other Officer from whose Custody such debtor or debtors may so withdraw to sue for and recover from the prisoner or persons giving such security or either of them such sum or sums of money as such debtor or debtors may have been confined for, in such Gaol or Limits, together with all such costs and damages as he may have sustained by reason of such debtor or debtors withdrawing from and out of the said Limits.

III. *And be it further enacted by the authority aforesaid,* That the Sheriff or other Officer on such debtor or debtors so withdrawing or departing shall be

Sheriff may assign security to the Plaintiff.

whose suit debtor confined, and Sheriff shall be thereby discharged

This Act not to extend to Debtors imprisoned on criminal charges.

Act to continue in force 4 years.

Assignee of the Sheriff may sue in his own name.

bound to assign over the security to the Plaintiff required by him and that the Sheriff upon so doing shall be discharged from any claim the Plaintiff may have on him the said Sheriff, for or on account of such debtor or debtors.

IV. *And be it further enacted by the authority aforesaid,* That this Act shall not extend or be construed to extend to any person or persons, confined for debt, who may at the same time be in Custody for any criminal charge.

V. *And be it further enacted by the authority aforesaid,* That this Act shall be and continue in force four years and no longer.

VI. *And be it further enacted by the authority aforesaid,* That upon such assignment of the security to the Plaintiff or his legal representatives, he or they may as assignee or assignees sue therefore in his or their own name, and that it shall not be in the power of the Sheriff in whose name such security was taken to release such Action.

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## C H A P. VII.

An Act to amend an Act passed in the fifty-ninth year of His late Majesty's Reign, and promulgated by Proclamation bearing date the twenty-first day of April in the year of our Lord One Thousand Eight Hundred and Twenty-One, entitled "An Act to incorporate sundry persons under the Style and Title of The President Directors and Company of the Bank of Upper Canada."

[Passed 17th January 1822.]

**W**HEREAS by an Act of the Parliament of this Province, to which the Royal Assent was communicated by Proclamation bearing date the twenty-first day of April in the year of our Lord One Thousand Eight Hundred and Twenty-One, and in the second year of His Majesty's Reign, entitled "An Act to incorporate sundry persons under the Style and Title of the President, Directors and Company of the Bank of Upper Canada" it is amongst other things enacted that as soon as the amount of Fifty Thousand Pounds shall have been subscribed towards the Stock of the said Bank, it shall and may be lawful for the subscribers or the majority of them to call a meeting at some place to be named at the Seat of the Government of this Province, for the purpose of proceeding to the election of the number of Directors thereafter mentioned, and that such election shall then and there be made by a majority of shares voted in the manner in the said Act prescribed, in respect of the annual meeting of Directors, and that the persons then and there chosen shall be the first Directors, and be capable of serving until the first Monday in June in the year of Our Lord One Thousand Eight Hundred and Twenty-One and that the Directors so chosen shall as soon as the Deposit amounting to Twenty Thousand Pounds subscribed as aforesaid, shall be paid to the said Directors, commence the business and operations of the said Bank, with a Proviso that no such meeting of the said sub-

scribers shall take place until a notice is published in all the public Newspapers of this Province at the distance of not less than thirty days from the time of such notification. *And whereas*, in consequence of the delay occasioned by the reservation of the said Act, for the signification of His Majesty's pleasure, it was impossible to proceed to the election of Directors before the first Monday in June in the year of our Lord One Thousand Eight Hundred and Twenty-One and in consequence doubts have arisen for what period the first Board of Directors shall serve. *And whereas* from the present scarcity of specie, the said sum of Twenty Thousand Pounds required to be paid in before the Directors can commence the business and operations of the said Bank, is found to be too large and it is expedient to reduce the same, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province" and by the authority of the same, That the said Board of Directors who shall be first chosen shall be capable of serving until the expiration of the first Monday in June One Thousand Eight Hundred and Twenty-Two.

Preamble

1st Board of Directors may serve until June 1822.

II. *And be it further enacted by the authority aforesaid*, That the said Directors shall and may as soon as a Deposit amounting to Ten Thousand Pounds upon the Stock subscribed or to be subscribed to the said Bank shall be paid to the said Directors, commence the business and operations of the said Bank, and that so much of the said Act above recited as requires that a Deposit of Twenty Thousand Pounds shall be made before commencing the business and operations of the said Bank shall be and the same is hereby repealed.

Bank may commence business on £10,000 being paid in.

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## C H A P. VIII.

An Act to make further regulation respecting the Weekly maintenance of Insolvent Debtors

[Passed 17th January 1822.]

**W**HEREAS it is necessary for the prevention of fraudulent conveyances or property by insolvent Debtors claiming the weekly allowance granted by Law, to compell the said debtors when required to answer such Interrogatories as shall be filed by the Plaintiff at whose suit he shall be confined, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and Assembled by virtue of

Preamble



and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province'" and by the authority of the same, That when and so often as any Prisoner or Prisoners in custody and charged in execution for debt in any civil suit, shall apply to the Court whence such process or execution issued, either to be discharged or allowed a weekly maintenance by reason of any alleged insolvency, it shall and may be lawful for the Plaintiff or Plaintiffs at whose suit such Prisoner is detained his her or their attorney to file such interrogatories as he she or they shall be advised or think expedient, touching or concerning, or for the purpose of discovering any property or credits which the said Prisoner may be possessed of, or which he or she may be suspected or having secreted or fraudulently parted with, which Interrogatories the said Prisoner is hereby required to answer upon oath, before some person authorised to receive and take affidavit in the Court in which such suit shall be depending who is hereby authorised to administer the same.

Plaintiff may tender Interrogatories to insolvent debtor, claiming weekly allowance touching their solvency

Answer may be sworn before Commissioners for taking Affidavits.

Debtor to receive no benefit from any order for a weekly allowance until he has answered the said Interrogatories

II. *And be it further enacted by the authority aforesaid,* That after any interrogatories shall have been filed as aforesaid, and a copy thereof delivered to the said Prisoner his or her Attorney the said Prisoner shall not receive any further benefit from his or her application and the orders and other proceedings thereon shall be stayed until the said Prisoner shall have fully answered the same and filed such answer or answers thereto in the Court from whence the Writ on which he or she shall be confined, shall have issued, and given notice thereof to the Plaintiff or Attorney in such suit.

Court in term time or Judge in vacation may order Prisoners to be discharged on Non payment of their weekly allowance.

Such Discharge not to operate as a release of the Debt.

III. *And be it further enacted by the authority aforesaid,* That in default of the payment of the sum of five shillings weekly allowance, pursuant to any rule or rules of court under the provisions of an Act passed in the 15th year of His late Majesty's reign, entitled "An Act for the relief of insolvent debtors," the first payment of which said sum of five shillings is hereby declared to become due and payable on Monday next after the service of such rule on the Plaintiff or his attorney within the District where such defendant shall be imprisoned: the Prisoner upon application to the said Court from which such execution issued, in term time, or a Judge thereof in vacation, shall by order of the said Court or Judge be discharged out of custody, *Provided Nevertheless* that such discharge shall not be construed as a release or satisfaction of the subsisting Judgment, or to deprive the Plaintiff or Plaintiffs of his her or their remedy thereafter against the Goods and Chattels, Lands and tenements of such prisoner so discharged.

## C H A P. IX.

An act to continue an Act passed in the fourth sixth year of His late Majesty's reign, entitled "An act to make provision for certain Sheriffs in this Province" and certain other Act of the Par-

liament of this Province, passed in the fifty-seventh year of His late Majesty's Reign, entitled, "An Act further to continue an Act passed in the forty-sixth year of His Majesty's Reign, entitled 'An Act to make provision for certain Sheriffs in this Province' and also to extend the provisions of the said Act" and to protect the interest of Suitors in certain cases.

[Passed 17th January 1822.]

**W**HEREAS an Act passed in the forty-sixth year of the Reign of His late Majesty King George the Third, entitled "An Act to make provision for certain Sheriffs in this Province" and also a certain other Act passed in the fifty-seventh year of His said Majesty's Reign, entitled "An Act further to continue an Act passed in the forty-sixth year of His Majesty's Reign, entitled "An Act to make provision for certain Sheriffs in this Province," and also to extend the provisions of the said Act, will shortly expire, and it is expedient to continue the same. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province'" and by the authority of the same. That the said Act passed in the forty-sixth year of His late Majesty's Reign, and also the said Act passed in the fifty-seventh year of His late Majesty's Reign, shall be and the same is hereby continued.

**II. And Whereas,** it is expedient that suitors should be protected against any losses which may happen from such Sheriffs continuing in office when they are no longer possessed of substance sufficient to answer for any damages which may be occasioned by their defaults, *Be it therefore enacted by the authority aforesaid,* That from and after the passing of this Act, a Writ of *Capias ad Satisfaciendum* may issue upon any Judgment which has been or may hereafter be obtained against any person now holding or who may hereafter hold the Office of Sheriff in any District of this Province for any default in not paying over monies levied or collected by him in the execution of his said office without any Affidavit for that purpose, and that whenever it shall happen, that any Sheriff shall remain committed in Execution upon any such Writ, or upon any attachment issued from His Majesty's Court of King's Bench in this Province, for default in payment of monies levied and collected by him beyond the period of three months, it shall upon being certified to the Governor or Person Administering the Government, by the next ensuing Court of Quarter Sessions of the said District, be deemed a forfeiture of his Office.

**III. Provided always nevertheless,** That nothing herein contained shall in any manner interfere with, or prevent recourse to any other remedy against such Sheriffs, and that the same shall remain as if this had never been passed.

Preamble

46 Geo 3 Ch 1 and  
57 Geo. 3 Ch 8 contin-  
ued.

Ch. 9. may issue a-  
gainst Sheriffs in cer-  
tain Cases.

Sheriff laying in  
Gaol 3 months to forfeit  
his office.

This Act not to inter-  
fere with any other re-  
medy against such Sher-  
iffs.

Act to continue in  
force 4 years.

14. And be it further enacted by the authority aforesaid, That this Act shall continue and be in force four years and from thence to the end of the then next ensuing Session of Parliament.

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## C H A P. X.

An Act to repeal an Act passed in the fifty-sixth year of His late Majesty's Reign, entitled "An Act for granting to His Majesty a Sum of Money and to provide for the appointment of a Provincial Agent for this Province.

[Passed 17th January, 1822.]

Preamble.

**W**HEREAS, an Act was passed in the fifty-sixth year of His late Majesty's Reign, entitled "An Act for granting to His Majesty a sum of money, and to provide for the appointment of a Provincial Agent," and whereas the appointment of a Provincial Agent has not been productive of the advantages contemplated at the time of passing the said Law. And whereas the said Office has become vacant by the decease of the late William Halton, Esquire, and it is expedient to repeal the said Act. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the said Act shall be and the same is hereby repealed,

35 Geo 3d. Ch. 35  
repealed.

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## C H A P. XI.

An Act to repeal in part, a certain part of an Act passed in the forty-third year of His late Majesty's Reign, entitled "An Act to extend the provisions of an Act passed in the thirty-fourth year of His Majesty's Reign, entitled "An Act to restrain the custom of permitting Horned Cattle, Horses, Sheep and Swine, to run at large. And further to enable the Magistrates in their respective Districts in this Province, in General Quarter Sessions assembled, to make such rules and regulations as may restrain swine running at large in the respective Towns in this Province, where a Police is or may hereafter be established by Law.

[Passed 17th January, 1822.]

**W**HEREAS, the Laws now in force for restraining the Custom of permitting Swine to run at large in certain Towns in this Province, have

been found ineffectual and insufficient to abate an increasing nuisance, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, so much of the fourth section of a certain Act passed in the forty-third year of His late Majesty's Reign, entitled "An Act to extend the provisions of an Act passed in the thirty-fourth year of His Majesty's Reign, entitled "An Act to restrain the custom of permitting horned cattle, horses, sheep and swine to run at large," as relates to the Town of York, Niagara, Sandwich, Amherstburgh and Kingston; Be and the same is hereby repealed.

Preamble.

So much of 4 sec. 43 Geo. 3d as relates to York, Niagara, Sandwich, Amherstburgh and Kingston, repealed.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall and may be lawful for the Magistrates or the majority of them in general Quarter Sessions assembled, for any District in this Province, wherein a Police in any Town therein, is now or may hereafter be established by Law, to make, ordain, constitute and publish such prudential rules and regulations from time to time as they may deem expedient, relative to restraining swine running at large in any such Town, subject to the provisions and enactments contained in any Law, establishing a Police in such respective Town in this Province.

\* Magistrates in Towns where a police is established to make rules respecting swine running at large.

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## C H A P. XII.

An Act to enable persons who have preferred claims to or out of certain Forfeited Estates in this Province to withdraw the same.

[Passed 17th January, 1822.]

**W**HEREAS, it is expedient that persons entering and prosecuting Claims, under the provisions of an Act passed in the fifty-ninth year of His late Majesty's Reign, entitled "An Act for vesting in Commissioners the Estates of certain Traitors, and also the Estates of persons declared aliens by an Act passed in the fifty-fourth year of His Majesty's Reign, entitled "An Act to declare certain persons therein described Aliens, and to vest their Estates in His Majesty, and for applying the proceeds thereof towards compensating the losses which His Majesty's Subjects have sustained in consequence of the late War, and for ascertaining and satisfying the lawful debts and claims thereupon," should be enabled to relinquish or withdraw

Preamble.

the same should they wish so to do, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province" and by the authority of the same, That it shall and may be lawful for any person or persons who hath or have heretofore entered, or who shall or may hereafter enter any claim or claims against the proceeds of or the absolute estate or inheritance of any lands, tenements or hereditaments vested or to be vested in the said Commissioners, by virtue of the said last mentioned Act, whither any decree may have passed upon the same or not, to relinquish or withdraw such claim or claims at any time during the continuance of the commission appointed under the said Act, upon signifying his, her or their intention and desire so to do, to the said Commissioners or the majority of them, by an instrument in writing, signed by such claimant or Claimants respectively, in presence of two subscribing witnesses and that upon receipt thereof, it shall and may be lawful for the said Commissioners or the majority of them, to discharge such claim or claims, and reverse any decree they may have passed in favor of such Claimant so relinquishing his, or her claim, after which, the Estate or Property thereby claimed, shall be and remain vested in the said Commissioners for the purposes in the said Act specified, in like manner and as fully to all intents and purposes as if no claim or claims had been exhibited against the same, any thing in the said Act contained to the contrary notwithstanding.

Persons preferring claims before the Commissioners of forfeited Estates, may withdraw the same; and all proceedings had thereon shall cease & be vacated.

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### C H A P. XIII.

An Act requiring the publication of the expenditure of monies raised under any Law, establishing a Police in any Town or Towns in this Province.

[Passed 17 January, 1822.]

Preamble.

**W**HEREAS, it is expedient that an account of the expenditure of the monies authorised to be raised and collected by the Laws now in force, establishing a Police in several Towns in this Province should be annually published, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth

year of his Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province" and by the authority of the same, That the Justices of the Peace for the several Districts of this Province, wherein a Police now is or hereafter may be established, for any Town or Towns within the same, shall at the General Quarter Sessions next after the first day of April in each year, direct the Clerk of the Peace in each of the said Districts to make up an account of all monies raised and levied under and by virtue of any Act now or hereafter to be made, regulating the Police in any Town or Towns as aforesaid, together with an account of the expenditure thereof, which account they are hereby required to publish immediately after the Sessions at which the same shall be required to be stated, either by causing a Copy thereof to be put on the Door of the Court House in such District or by publishing the same at the expense of the District in any Newspaper circulated therein.

Justices of the Peace to render an account annually of the receipt and expenditure of the Police Tax levied in their respective Districts and to cause the same to be published.

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## C H A P. XIV.

An Act to establish the division line between the Second and Third Concessions of the Township of Osnabruck, in the Eastern District.

[Passed 17th January 1822.]

**W**HEREAS divers disputes have arisen between the Inhabitants of the Second and Third Concessions of the Township of Osnabruck in the Eastern District of this Province, as to the division line between the said Concessions, *And whereas*, it appears that in consequence of an erroneous survey of the said line by the late Patrick McNiff—the same has been resurveyed under the direction of Government, by Lewis Grant, Esquire, Deputy Provincial Surveyor, whose line was intended and considered as the division line between the said Concessions, till the passing of an Act in the 5th year of His late Majesty's Reign, entitled "An Act to repeal an ordinance of the Province of Quebec passed in the twenty-fifth year of His Majesty's Reign, entitled "An ordinance concerning Land Surveyors and the admeasurement of Lands, and also to extend the provisions of an Act passed in the thirty eighth year of His Majesty's reign, entitled "An Act to ascertain and establish on a permanent footing the boundary lines of the different Townships, of this Province and further to regulate the manner in which Lands are hereafter to be surveyed" by which Act the survey of the said Patrick McNiff being the first survey intended to fix the boundary between the said Concessions hath been established, and it is expedient in order to quiet the disputes which have arisen and to prevent litigation, that the line run by the said Lewis Grant between the said Concessions should by Law be established, Be it therefore enacted by the King's Most Excellent Majesty, by and with

Preamble.

the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province" and by the authority of the same. That the line run by the said Lewis Grant Deputy Surveyor as aforesaid, shall be deemed and taken to be the original and true boundary between the said Concessions, any thing in any Law or this Province to the contrary notwithstanding.

Line run by Lewis Grant to be taken as the true boundary line between the said Concessions.

## CHAPTER XV.

An Act to establish a Market in the Town of Perth in the County of Carleton.

[Passed 17th January 1822.]

Preamble.

**W**HEREAS it is expedient for the convenience of the Inhabitants of the County of Carleton that a Market should be established at Perth in the said County, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province" and by the authority of the same. That from and after the passing of this Act, a Market shall be established and kept in the town of Perth in the County aforesaid

Market established in Perth.

Justices of the Peace residing in Drummond at a Special Sessions to be by them held for that purpose to fix upon a place and make regulations for holding the said Market.

Commrs may impose fines not exceeding 20s. for offences against such regulations.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Commissioners of the Peace residing in the Township of Drummond at a Court of Special Sessions to be by them held for that purpose, and they are hereby authorised and empowered to fix upon a place and appoint such days and hours for the purpose of selling Butchers Meat, Butter, Eggs, Poultry, Fish, and Vegetables; and to make such other orders and regulations relative thereto as they shall deem expedient.

III. *And be it further enacted, by the authority aforesaid.* That the said Commissioners shall be and they are hereby authorised and empowered to impose such fine, not exceeding twenty shillings for any offence committed against such rules and regulations as to them in their discretion shall seem requisite and proper.

*[Handwritten signature]*  
39

IV. *And be it further enacted by the authority aforesaid,* That all such orders, rules and regulations shall be published by causing a Copy of them to be affixed in the most public place in every Township in the said County, and at the doors of the Churches in the said Town of Perth, and that such orders, rules and regulations shall not be in force until three weeks after such publication.

Regulations to be published.

V. *And be it further enacted by the authority aforesaid,* That if any person shall transgress the orders and regulations so made by the said Commissioners, such person shall for every such transgression forfeit the sum which in every such order, rule and regulation shall be specified, not exceeding the sum of Twenty Shillings as aforesaid, to be recovered by information before any one Commissioner of the Peace, upon the oath of one credible witness, and to be levied by Warrant under the hand and seal of such Commissioner upon the Goods and Chattels of such offender, and that one moiety shall be paid into the hands of His Majesty's Receiver General to and for the use of His Majesty, his Heirs and Successors for the public uses of this Province and towards the support of the Government thereof, to be accounted for to His Majesty through the Commissioners of his Treasury for the time being in such manner and form as it shall please His Majesty to direct, and the other moiety to the informer.

Manner of levying fines imposed, and manner of punishing offenders against the Market Regulations.

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## CHAPTER XVI.

An Act to authorise the Surveyor General of this Province to receive the like sum for all original Schedules of New Townships furnished, or to be furnished, since the first day of July, One Thousand Eight Hundred and Twenty, as he is authorised to receive by Law for such Schedules furnished before that period.

[Passed 17th January 1822.]

**W**HEREAS an Act was passed in the fifty-ninth year of the Reign of His late Majesty King George the Third entitled "An Act to repeal the several Laws now in force relative to levying and collecting Rates and Assessments in this Province, and further to provide for the more equal and general Assessment of Lands and other ratable property throughout this Province" whereby it is enacted that His Majesty's Surveyor General of this Province for the time being should on or before the first day of July in the year of our Lord One Thousand Eight Hundred and Twenty furnish the Treasurer of each and every District of this Province with a List or Schedule of the Lots in every Town, Township or reputed Township of his respective District, containing certain particulars specified in the said Act and should on or before the first day of July in every year thereafter transmit to the Treasurer of such District respectively a Schedule of all such Lots or Parcels of Lands specifying the number of Acres or other less quantity of Land in each as

Preamble.



have been granted or set to lease by His Majesty since the last Schedule by him furnished as by the said Act directed.

II And it is by the said Act further provided that for every Schedule for each Township so furnished by the Surveyor General on or before the first day of July, One Thousand Eight Hundred and Twenty he should be entitled to receive the sum of Twenty Shillings and for every supplementary Schedule thereafter the sum of Two Shillings and Six Pence.

III *And whereas*, several original Schedules of new Townships surveyed and located since the passing of the said Act, have been furnished by the Surveyor General since the first day of July One Thousand Eight Hundred and Twenty, for which it is proper the same allowance should be made as for the original Schedules furnished before the first day of July One Thousand Eight Hundred and Twenty. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That for every original Schedule of any township in this Province, which has been or may hereafter be furnished under the provisions of the above recited Act by the Surveyor General of this Province for the time being, there shall be paid the sum of twenty shillings to be paid, and accounted for in the manner directed by the said Act.

Surveyor General to receive 20s. for every original Schedule furnished under the Provisions of 59th Geo. 3d ch. 7.

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## C H A P. XVII.

An Act granting to His Majesty a Sum of Money, for the purpose of purchasing and erecting Machinery within this Province, to prepare Hemp for exportation.

[Passed 17th January, 1822.]

MOST GRACIOUS SOVEREIGN.

**W**HEREAS, from the present depressed state of Agriculture within this Province, it is expedient to encourage the growth therein of such articles as will find the most ready sale in Foreign Countries. WE Your Majesty's most dutiful and loyal subjects the Commons of Upper Canada in Parliament assembled, do most humbly beseech Your Majesty, that it may be enacted, And be it enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled, by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth

Preamble.

Your Majesty that it may be enacted, And be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, "An Act for making more effectual provision for the Government of the Province of Québec in North America, and to make further provision for the Government of the said Province" and by the authority of the same: That from and out of any fund or funds now remaining or which may hereafter come into the hands of the Receiver General unappropriated, arising from or out of the rates and duties already raised, levied and collected, or which may hereafter be raised, levied and collected to and for the uses of this Province, There be granted to His Majesty, His Heirs and Successors, the Sum of three Hundred Pounds: to be disposed of, appropriated and applied in the purchasing and erecting of a Machinery for the dressing and preparing of Hemp for exportation, The description of which Machinery, and the place where the same shall be erected, to be determined by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, by and with the advice of the Executive Council thereof.

£300 appropriated for purchasing machinery for dressing Hemp.

II. *And be it further enacted by the authority aforesaid* That from and out of any fund or funds now remaining or which may hereafter come into the hands of the Receiver General, to and for the Public uses of this Province, there be granted to His Majesty, His Heirs and Successors, the sum of Fifty Pounds annually for three years, to be disposed of, appropriated and applied in the keeping in repair the said Machinery, where the same shall have been erected.

£50 annually for 3 years to be applied for keeping the said machinery in repair.

III. *And be it further enacted by the authority aforesaid*: That the monies granted by this Act shall be paid by the Receiver General of the Province, in discharge of any Warrant or Warrants which shall be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province for the time being, and be accounted for to His Majesty through the Lords Commissioners of His Treasury for the time being, in such manner as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

Monies applied how to be paid and accounted for.

CHAP. XVIII.

An Act to grant to His Majesty a certain Sum of Money for the purposes therein mentioned.

[Passed, 17th January, 1822.]

MOST GRACIOUS SOVEREIGN,

WHEREAS, Your Majesty's faithful Commons have voluntarily and freely resolved to grant to Your Majesty a Supply to defray certain

Preamble.

charges for the Administration of Justice and support of the Civil Government of this Province, WE Your Majesty's dutiful and Loyal Subjects the Commons of Upper Canada in Provincial Parliament assembled, beseech Your Majesty that it may be enacted, And be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and Assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province" and by the authority of the same, That from and out of the rates and duties raised, levied and collected to and for the public uses of this Province, and in the hands of the Receiver General and unappropriated, there be appropriated the Sum of three thousand three hundred and ninety pounds, Sterling, which said sum of Three Thousand Three Hundred and Ninety Pounds shall be applied in aid of the funds already appropriated by an Act of the Parliament of Great Britain, passed in the fourteenth year of His late Majesty's Reign, entitled "An Act to establish a fund towards further defraying the charges of the Administration of Justice, and support of the Civil Government within the Province of Quebec in North America." towards the following services for the year one thousand eight hundred and twenty-two:—

For the Administration of Justice,  
 the Lieutenant Governor's Office,  
 the Receiver General's Office,  
 the Surveyor General's Office,  
 the Executive Council Office,  
 the Secretary's Office,

For the Register of the Province,  
 the Inspector General's Office,  
 Repairs and contingencies of  
 the Government House,  
 Government Printer,  
 Casual and other expences.

And shall be paid by the Receiver General of this Province, in discharge of such Warrant or Warrants, as shall for that purpose be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and shall be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, his Heirs and Successors shall be graciously pleased to direct.

*Provided always, and be it further enacted by the authority aforesaid, That an account in detail of all monies paid under the authority of this Act, be transmitted to be laid before the Commons House of Assembly at the then next ensuing Session of Parliament, and Provided also, that so much of the said Sum as may remain unexpended, shall be subject to the future disposition of Parliament.*

## C H A P. XIX.

An Act to authorise the Appointment of a Commissioner for the purposes therein mentioned.  
 [Passed 17th January 1822]

**W**HEREAS by a Joint Resolution of the Legislative Council and House of Assembly of this Province, it is deemed expedient to au-

£3720 9<sup>1</sup>/<sub>2</sub> granted to His Majesty in aid of the funds already appropriated towards defraying the charges of the Court, &c.

How to be paid and accounted for.

Amount of expences to be submitted to Parliament.

Remains

authorise the Governor, Lieutenant Governor, or Person administering the Government of this Province to appoint a Commissioner on behalf of this Province, to lay the Joint Address of the Legislative Council and House of Assembly of this Province and Joint Report of the said Houses relative to Financial Concerns and Commercial Intercourse between the Province of Lower Canada and this Province at the foot of His Majesty's Throne, and to explain and solicit the interests of this Province, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province" and by the authority of the same, That it shall and may be Lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to appoint by Commission under the Great Seal of this Province, such person as to him may seem meet for the purposes herein before mentioned.

Comm'r to be appointed on behalf of this Province to present a certain Address to His Majesty.

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## C H A P. XX.

An Act granting to His Majesty a sum of Money to provide for the Appointment of a Commissioner for the purposes therein mentioned.

[Passed 17th January 1822.]

**MOST GRACIOUS SOVEREIGN,**

**W**HEREAS it is expedient to grant to your Majesty a sum of Money to compensate the services of such person as shall or may be appointed by the Governor, Lieutenant Governor, or Person administering the Government of this Province to lay at Your Majesty's feet, the Joint Address of the Legislative Council and House of Assembly of Your Majesty's Province of Upper Canada respecting the Commercial Intercourse between the said Province and Lower Canada. We Your Majesty's dutiful and loyal Subjects the Commons House of Assembly of this Province beseech Your Majesty that it may be enacted, And be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province

Preamble.

vince" and by the authority of the same. That from and out of the Rates and Duties raised, levied and collected or hereafter to be raised, levied and collected, to and for the public uses of this Province and in the hands of the Receiver General and unappropriated, there be granted to His Majesty his Heirs and Successors the sum of Two Thousand Pounds, which said sum of Two Thousand Pounds shall be appropriated and applied in compensating such person as the Governor, Lieutenant Governor, or Person administering the Government of this Province shall or may appoint for the purpose herein before mentioned.

£2 000 to be appropriated to reimburse Commr appointed to present a certain Address to His Majesty.

H. *And be it further enacted by the authority aforesaid,* That the said sum of Two Thousand Pounds shall be paid by the Receiver General of this Province in discharge of such Warrant or Warrants as shall for that purpose from time to time be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province, and shall be accounted for to His Majesty his Heirs and Successors through the Lords Commissioners of His Majesty's Treasury for the time being in such manner and form as His Majesty his Heirs and Successors shall be graciously pleased to direct.

How to be paid and accounted for.

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## C H A P. XXI.

An Act to authorise His Majesty's Justices of the Peace for the Midland District to obtain by Loans a Sum of Money for the purpose of erecting a Gaol and Court House in the Town of Kingston.

[Passed 17th January 1822.]

**W**HETHERAS it appears by a Petition from His Majesty's Justices of the Peace for the Midland District in Special Sessions assembled that the Gaol and Court House of the said District is in a dilapidated and insecure state, *And whereas* the prayer of the said Petition is for authority to levy on the Inhabitants of the said District an additional rate of one penny in the pound on the ratable property of the said District for two years, as a fund to be applied in rebuilding the said Gaol and Court House, *And whereas*, in the actual situation of this Province it is deemed inexpedient to authorise the levying of the said additional rate, *And whereas*, it is essentially necessary for the due administration of the Laws that provision be made by Law for rebuilding the said Gaol and Court House, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North

From: Is.

America, and to make further provision for the Government of the said Province” and by the authority of the same, That His Majesty’s Justices of the Peace of the said District in General Quarter Sessions assembled, be empowered and they are hereby authorised and empowered to borrow a Sum of Money not exceeding three thousand pounds, to be appropriated and applied in the erecting of a good and sufficient Gaol and Court House in the said Town of Kingston.

Justices of the Peace for the Midland Dist. authorised to loan not more than £3000 for erecting a Gaol in Kingston.

II. *And be it further enacted by the authority aforesaid*, That a Sum not less than Three Hundred Pounds, of the rates of the said District, shall be annually appropriated by the said Justices, towards paying the interest, and a proportion of the principal of the aforesaid sum of three thousand pounds.

£300 annually to be applied towards redeeming the said Loan.

III. *Provided always, and be it further enacted by the authority aforesaid*, That the said Justices shall not pay a greater interest than six pounds per annum upon every hundred pounds, they shall borrow under the authority of this Act.

Not more than 6 per cent to be paid for Interest on the said Loan.

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## C H A P. XXII.

An Act to appoint Trustees to the Will of WILLIAM WEEKES, late of York, Esquire, deceased, to carry into effect the Provisions thereof.

[Passed 17th January, 1822.]

**W**HEREAS, WILLIAM WEEKES, late of the Town of York, in the Home District and Province of Upper Canada, Esquire, deceased, in and by his last Will and Testament in writing bearing date the tenth day of October, One Thousand Eight Hundred and Six, after a devise therein made, of certain Lands in the Township of Norwich, and a bequest of fifty pounds, to one George Alpsin the said Will named, “ did give and devise unto Charles B. Wyatt, Esquire, and John McKay, Gentleman, and to their heirs forever, “ all other the estates real and personal, of what nature and kind soever, in “ Upper Canada, in trust to dispose of the same, and out of the monies arising from the sale thereof to pay all his just debts, of what nature and kind soever, and the residue of the monies arising from such sale or sales, to “ lay out in erecting and building the foundation of an Academy in York, in “ such situation as they the said Trustees might deem most eligible for an Academy for the education of Youth,” and by the said Will did appoint the said Charles B. Wyatt, and John McKay, the Executors thereof, *And Whereas*, the said William Weekes departed this life soon after making the said Will, and the said Executors proved the same in the Court of Probate of this Province, and took upon themselves the burthen and execution thereof, and did pay and satisfy all the principal debts of the said Testator, *And whereas*, the said John McKay departed this life on or about the fourth day of June,

Preamble.

in the year of our Lord, One Thousand Eight Hundred and Twelve, whereby the said Charles B. Wyatt became the sole Executor and Trustee of the said Will, And Whereas, the said Charles B. Wyatt some time in the year One Thousand Eight Hundred and Seven, left this Province for England, where he has ever since resided, and hath neglected to proceed in the execution of the said Will, and the trusts therein expressed, by reason whereof the laudable intentions of the said Testator have hitherto been greatly obstructed to the manifest loss of the Youth of this Province, And Whereas a very considerable residue of the real Estate of the said William Weekes, in this Province still remains vested in the said Charles B. Wyatt, subject to the payment of a small residue of the debts of the said William Weekes, and to the trust aforesaid, for the erection of an Academy in York as aforesaid; and it is desirable that the residue of such Estates, now remaining in the said Charles B. Wyatt, be vested in other Trustees, to and for the uses of the said Will of the said William Weekes, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province" and by the authority of the same, That from and after the passing of this Act, and all the residue of Estates, real and personal now vested by the said Will, in the said Charles B. Wyatt, shall henceforth vest in the Reverend John Strachan, Doctor of Divinity, John Beverly Robinson, Esquire, and Henry John Boulton, Esquire, and their heirs, in trust to dispose of the same, and out of the monies arising from the sale thereof, to pay all remaining just debts unpaid; and the residue of monies arising from such sale or sales to lay out in erecting and building the foundation of an Academy in York in such situation as they the Trustees appointed under and by virtue of this Act, shall deem most eligible for such Academy.

Trustees appointed  
to carry into effect the  
Trusts of the Will of  
the late Wm. Weeks  
Esq.

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## C H A P. XXIII.

An Act for the relief of John Cryslor, Esquire.

[Passed 17th January 1822.]

Preamble.

**W**HEREAS John Cryslor, Esquire, Collector of Customs at the Port of Cornwall in the Eastern District has by the Laws of this Province been prevented from receiving any per centage on the monies collected as

duties at the said Port and paid into the hands of the Receiver General of this Province in consequence of the misconduct and neglect of his Deputy in not reporting the same to the Inspector General within the period prescribed by Law. *And whereas*, it is expedient to afford relief to the said John Crysler, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province" and by the authority of the same, That it shall and may be Lawful for the Inspector General of this Province to allow to the said John Crysler as Collector at the said Port of Cornwall, the regular per centage to which the said John Crysler would by Law be entitled on all monies heretofore collected at the said Port and which may be paid into the hands of the Receiver General of this Province, as if the said monies had been accounted for according to and within the period prescribed by Law.

John Crysler to be allowed per centage on certain Monies.

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## C H A P. XXIV.

An Act for the relief of Peter Miller.

[Passed 17th January 1822.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS it appears by the Petition of Peter Miller, Private of the First Regiment of York Militia, that during the late War with the United States of America, he contracted a disease while on Service which from that time has rendered him incapable of earning his livelihood and procuring the common necessaries of life, *And whereas*, it is desirable and proper under such circumstances to make provision for the said Peter Miller in future, May it therefore please Your Majesty that it may be enacted, And be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province" and by the authority of the same, That from and after the passing of this

Preamble:



An Annuity of £20  
granted to P. Miller.

Act, there be granted to the said Peter Miller for and during his natural life the sum of Twenty Pounds annually, which said sum of Twenty Pounds shall commence and become payable from and after the passing of this Act.

How to be paid and  
accounted for.

II. *And be it further enacted by the authority aforesaid,* That the sum herein declared to be payable shall be paid by the Receiver General of this Province out of the monies that now are or which may hereafter come into his hands subject to the disposition of the Parliament of this Province in discharge of such Warrant or Warrants as may therefore, from time to time be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province, and be accounted for to His Majesty, through the Lords Commissioners of His Treasury, for the time being in such manner and form as His Majesty his Heirs and Successors may please to direct.

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## CHAP. XXV.

An Act for the relief of John White.

[Passed 17th January 1822.]

Preamble.

**W**HEREAS John White, was during the late War with the United States of America very grievously wounded in action with the enemy in the Western District of this Province, so as to be entirely disabled from earning his livelihood, *And whereas,* the said John White at the time of his being so wounded was not borne upon the strength of any Company of Militia in this Province is not entitled to be placed on the Pension List thereof, but having been employed as an Artificer in the Navy Yard at Amherstburgh before the retreat of His Majesty's forces, from thence under Major General Procter, did at the time of such retreat bear arms in defence of this Province, and was at the time of his being disabled by wounds in the discharge of the duty of a Militia man. *And whereas,* the said John White is by such wounds disabled from supporting himself and is burthened with a large family, and having suffered most severely in defence of this Province is a proper object of its bounty. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That out of the Rates and Duties already raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and in the

hands of the Receiver General unappropriated, there be granted to the said John White, for and during his natural life, the sum of Twenty Pounds annually, which said sum of Twenty Pounds shall commence and become payable from and after the passing of this Act.

An annuity of £20 granted to John White.

II. *And be it further enacted by the authority aforesaid,* That the said sum of Twenty Pounds, shall be paid by the Receiver General, out of the rates and duties aforesaid, in discharge of such Warrant or Warrants as may from time to time be issued by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, and be accounted for to His Majesty, through the Lords Commissioners of His Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors may please to direct.

How to be paid and accounted for.

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## C H A P. XXVI.

An Act to make good certain Monies issued and advanced by His Excellency the Lieutenant Governor, in pursuance of an Address of the House of Assembly.

[Passed 17th January, 1822.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS, in pursuance of an Address of your Commons House of Assembly during its last Session, to His Excellency Sir Peregrine Maitland, Lieutenant Governor, of your Province of Upper Canada, the sum of One Thousand and Fifty Pounds Seventeen Shillings and one penny, half penny has been issued and advanced by your Lieutenant Governor, to the Clerks and other Officers of the two Houses of Parliament, to enable them to pay the contingent expences of the last Session of the Provincial Legislature, may it therefore please your Majesty that it may be enacted, And be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of An Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province and by the authority of the same. That out of the fund or funds subject to the disposition of the Parliament of this Province and in the hands of the Receiver General, unappropriated, there shall be issued and applied the sum of One Thousand and Fifty Pounds

Preamble.

£1050 17 11-2 applied to make good so much money advanced by His Excellency the Lieutenant Governor in pursuance of an Address to defray the con-

Contingent expenses of the  
two Houses of Parliam-  
ent.

How to be account-  
ed for.

Seventeen Shillings and One Penny half penny to make good the said sum which has been issued and advanced in pursuance of the aforesaid address.

II. *And be it further enacted by the authority aforesaid*, That the due application of the said sum of money pursuant to the directions of this Act shall be accounted for to your Majesty through the Lords Commissioners of Your Majesty's Treasury in such manner and form as your Majesty your Heirs and Successors may be graciously pleased to direct.

## C H A P. XXVII.

An Act to remunerate the Commissioners appointed to treat on behalf of this Province with the Commissioners of Lower Canada on the subject of our Commercial relations with that Province.

[Passed 17th January, 1822.]

MOST GRACIOUS SOVEREIGN,

**W**HEREAS it is necessary to remunerate the Commissioners appointed under the authority of an Act passed in the thirty-seventh year of His late Majesty's Reign, to treat with Commissioners appointed on the part of the Province of Lower Canada, respecting the levying of duties and regulation of drawbacks and other matters and things in the said Act mentioned, May it therefore please your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province" and by the authority of the same, That from and out of the rates and duties now levied and collected or hereafter to be raised, levied and collected to and for the uses of this Province and remaining in the hands of the Receiver General unappropriated, there be granted to your Majesty the sum of Three Hundred Pounds of Lawful money of this Province to be disposed of and applied as follows, that is to say, to the Honorable Thomas Clark, Allan McLean and Jonas Jones, Esquires, the Commissioners lately appointed on behalf of this Province for the purposes above mentioned, the sum of One Hundred Pounds each, which said sum of Three Hundred Pounds shall be paid by the Receiver General of this Province in discharge of such Warrants as may for that purpose be issued by the Governor, Lieutenant Governor or Person administering the Government of this Province in favor of the said Thomas Clark, Allan McLean, and Jonas Jones, and shall be accounted for to your Majesty through the Lords Commissioners of your Treasury in such manner and form as it shall please your Majesty to direct.

Preamble.

£300 granted to re-  
munerate certain Com-  
missioners for certain  
services.

How to be paid and  
accounted for.